

August 15, 2018

Ms. Carol Sutkus  
California Air Resources Board  
P.O. Box 2815  
Sacramento, CA 95812

Dear Ms. Sutkus:

The Placer County Air Pollution Control District Board of Directors, on August 9, 2018, approved the amendment of District Rule 301, Non-Agricultural Burning Smoke Management; Rule 302, Agricultural Waste Burning Smoke Management; and Rule 305, Residential Allowable Burning, to prohibit or restrict the open burning of waste from the growing or processing of cannabis. The District is submitting these rules to the California Air Resources Board, to be forwarded to U.S. EPA for approval to update the State Implementation Plan.

These three rule actions were submitted and approved as one consolidated Board item and are thus being submitted herein together. Attached are the electronic files necessary for your review for amendment of Rules 301, 302, and 305, which include:

- APCD signed submittal letter
- Rule Evaluation Form
- SIP completeness Checklists for each rule
- Signed Resolution #18-10
- Proof of Notice of public hearing
- Board Memo
- Staff Report
- Strikeout copies of amended rules
- Amended Rules 301, 302, and 305 (without strikeouts--Adobe Acrobat and Microsoft Word formats)
- Copies of rules referenced in rules which have not been previously EPA approved into SIP: Providing District Rule 607, which is referenced in Rule 301 and Rule 302; and providing District Rule 208, which is referenced in Rule 302.

Please let me know if you have any questions regarding this submittal. Please address any formal written comments to Erik C. White, Air Pollution Control Officer ([ecwhite@placer.ca.gov](mailto:ecwhite@placer.ca.gov)).

Sincerely,



Erik C. White  
Air Pollution Control Officer

CALIFORNIA AIR RESOURCES BOARD

**SIP COMPLETENESS CHECKLIST**  
(Electronic Format)

\*\*\* TO BE COMPLETED BY DISTRICT AND RETURNED TO ARB \*\*\*

All rules submitted to the EPA as State Implementation Plan (SIP) revisions must be supported by certain information and documentation for the rule packages to be deemed complete for review by the EPA. Rules will not be evaluated for approvability by the EPA unless the submittal packages are complete. To assist you in determining that all necessary materials are included in rules packages sent to the ARB for submittal to the EPA, please fill out the following form and include it with the rule package you send ARB. See the ARB's Guidelines on the Implementation of the 40 CFR 51, Appendix V, for a more detailed explanation than is provided here. Adopted rules and rule amendments should be checked against U.S. EPA's Guidance Document for Correcting Common VOC & Other Rule Deficiencies (Little Blue Book, August 21, 2001) to ensure that they contain no elements which will result in disapproval by EPA.

District: Placer County Air Pollution Control District

Rule No: 301

Rule Title: Non-Agricultural Burning Smoke Management

Date Adopted or Amended: August 9, 2018

**ADMINISTRATIVE MATERIALS**

*Note: All documents should be in electronic format. Items that have signatures, initials, or stamps may be scanned.*

<u>Attached</u>	<u>Not Attached</u>	<u>N/A</u>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b><u>COMPLETE COPY OF THE RULE:</u></b> Provide an unmarked copy of the entire rule as adopted or amended by your District Board.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b><u>UNDERLINE AND STRIKEOUT COPY OF THE RULE:</u></b> If an amended rule, provide a complete copy of the rule indicating in underline and strikeout format all language which has been added, deleted, or changed since the rule was last adopted or amended.
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<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b><u>RESOLUTION/MINUTE ORDER:</u></b> Provide the Board Clerk certified resolution or minute order. This document must include certification that the hearing was held in accordance with the information in the public notice. It must also list the rules that were adopted or amended, the date of the public hearing, and a statement of compliance with California Health and Safety Code Sections 40725-40728 (Administrative Procedures Act).
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b><u>PUBLIC COMMENTS AND RESPONSES:</u></b> Submit copies of written public comments made during the notice period and at the public hearing. Also submit any written responses prepared by the District staff or presented to the District Board at the public hearing. A summary of the public comments and responses is adequate. If there were no comments made during the notice period or at the hearing, please indicate N/A to the left.

CALIFORNIA AIR RESOURCES BOARD

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<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b><u>NON-EPA TEST METHODS:</u></b> Attach all test methods that are referenced in your rule that do not appear in 40 CFR 51, 60, 61, 63, or have not been previously submitted to EPA. EPA methods used in other media such as SW846 for solid waste are not automatically approved for air pollution applications. Submittal of test methods that are not EPA-approved should include the information and follow the procedure described in Region 9's "Test Method Review & Evaluation Process."
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b><u>MODELING SUPPORT:</u></b> Provide if appropriate. In general, modeling support is not required for VOC and NOx rules to determine their impacts on ozone levels. Modeling is required where a rule is a relaxation that affects large sources ( $\geq 100$ TPY) in an attainment area for SO <sub>2</sub> , directly emitted PM <sub>10</sub> , CO, or NO <sub>x</sub> (for NO <sub>2</sub> purposes). In cases where EPA is concerned with the impact on air quality of rule revisions which relax limits or cause a shift in emission patterns in a nonattainment area, a reference back to the approved SIP will be sufficient provided the approved SIP accounts for the relaxation and provided the approved SIP used the current EPA modeling guidelines. If current EPA modeling guidelines were not used, then new modeling may be required.
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District: Placer County Air Pollution Control District

Rule No: 302

Rule Title: Agricultural Waste Burning Smoke Management

Date Adopted or Amended: August 9, 2018

**ADMINISTRATIVE MATERIALS**

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**APCD/AQMD RULE EVALUATION FORM -- Page 1**  
(Electronic Format)**I. GENERAL INFORMATION**District: Placer County Air Pollution Control DistrictRule No(s): 301, 302 and 305 Date adopted/Amended/Rescinded: Amended August 9, 2018Rule Title(s): Rule 301, Non-Agricultural Burning Smoke Management;  
Rule 302, Agricultural Waste Burning Smoke Management;  
Rule 305, Residential Allowable Burning

Date Submitted to ARB: \_\_\_\_\_

If an Amended Rule, Date Last Amended (or Adopted): 02/09/2012Is the Rule Intended to be Sent to the U.S. EPA as a SIP Revision? ☒ Yes ☐ No (If No, do not complete remainder of form)District Contact: Todd Nishikawa Phone Number: (530) 745-2322 E-mail Address: TNISHIKA@PLACER.CA.GOVNarrative Summary of New Rule or Rule Changes: ☐ New Rule ☒ Amended RuleAmendments address burning of cannabis waste burning by requiring District burn permits, or in the case of  
residentially grown cannabis - prohibiting open burning. Rule 305 is also amended to allow burn barrels use with a  
CARB approved Request for Exemption from the Residential Open Burning ATCM.Pollutant(s) Regulated by the Rule (Check): ☒ ROG ☒ (NO<sub>x</sub>) ☐ SO<sub>2</sub>  
☒ (CO) ☒ PM ☐ TAC (name): \_\_\_\_\_**II. EFFECT ON EMISSIONS***Complete this section ONLY for rules that, when implemented, will result in quantifiable changes in emissions. Attach reference(s) for emission factor(s) and other information. Attach calculation sheet showing how the emission information provided below was determined.*Net Effect on Emissions: ☐ Increase ☐ Decrease ☒ N/AEmission Reduction Commitment in SIP for this Source Category: N/AInventory Year Used to Calculate Changes in Emissions: N/A Area Affected: N/A

Future Year Control Profile Estimate (Provide information on as many years as possible):

N/A

**APCD/AQMD RULE EVALUATION FORM -- Page 2**  
(Electronic Format)

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Baseline Inventory in the SIP for the Control Measure: N/A

Emissions Reduction Commitment in the SIP for the Control Measure: N/A

Revised Baseline Inventory (if any): N/A

Revised Emission Reduction Estimate (if developed): N/A

*Note that the district's input to the Rule Evaluation Form will not be used as input to the ARB's emission forecasting and planning.*

**III. SOURCES/ATTAINMENT STATUS**

District is: ☐ Attainment ☒ Nonattainment ☐ Split

Approximate Total Number of Small (<100 TPY) Sources Affected by this Amendment: None

Percent in Nonattainment Area: N/A%

Number of Large ( $\geq$  100 TPY) Sources Controlled: None Percent in Nonattainment Area: 0%

Name(s) and Location(s) (city and county) of Large ( $\geq$  100 TPY) Sources Controlled by Rule (Attach additional sheets as necessary): None

**IV. EMISSION REDUCTION TECHNOLOGY**

Does the Rule Include Emission Limits that are Continuous? ☐ Yes ☒ No

If Yes, Those Limits are in Section(s) \_\_\_\_\_ of the Rule.

Other Methods in the Rule for Achieving Emission Reductions are: Prohibitions on burning cannabis waste in Section 300

**V. OTHER REQUIREMENTS**

The Rule Contains:

Emission Limits in Section(s): 300 Work Practice Standards in Section(s): 300

Recordkeeping Requirements in Section(s): 500 Reporting Requirements in Section(s): 500

**APCD/AQMD RULE EVALUATION FORM -- Page 3**  
(Electronic Format)

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**VI. IMPACT ON AIR QUALITY PLAN**

☒ No Impact      ☐ Impacts RFP      ☐ Impacts attainment

Discussion: Because the growing and use of cannabis has only recently been authorized by the state and two-thirds of the District do not allow any residential burning already, it is expected that there will be a slight reduction in future emissions from cannabis waste that is not burned. These are emissions that historically would not have occurred, and now will not occur now going forward.




Before the Placer County  
Air Pollution Control District Board of Directors

**In the Matter Of:** Approval of Rule 301, Nonagricultural Burning Smoke Management; Rule 302, Agricultural Waste Burning Smoke Management; and Rule 305, Residential Allowable Burning, as amended and as shown in Exhibits, I, II, and III, respectively.

The following **RESOLUTION** was duly passed by the Placer County Air Pollution Control District Board of Directors at a regular meeting held on **August 9, 2018** by the following vote:

Ayes: Alvord ☒ Berlant ☒ Duncan ☒ Harvey ☒ Holmes absent  
Montgomery absent Nader absent Patterson ☒ Weygandt absent  
Alternates: \_\_\_\_\_  
Noes: Alvord \_\_\_\_\_ Berlant \_\_\_\_\_ Duncan \_\_\_\_\_ Harvey \_\_\_\_\_ Holmes \_\_\_\_\_  
Montgomery \_\_\_\_\_ Nader \_\_\_\_\_ Patterson \_\_\_\_\_ Weygandt \_\_\_\_\_  
Alternates: \_\_\_\_\_  
Abstain: Alvord \_\_\_\_\_ Berlant \_\_\_\_\_ Duncan \_\_\_\_\_ Harvey \_\_\_\_\_ Holmes \_\_\_\_\_  
Montgomery \_\_\_\_\_ Nader \_\_\_\_\_ Patterson \_\_\_\_\_ Weygandt \_\_\_\_\_  
Alternates: \_\_\_\_\_

Signed and approved by me after its passage:

 Chairperson

 Attest: Clerk of said Board

**WHEREAS**, Section 40001 of the Health and Safety Code of the State of California authorizes the Placer County Air Pollution Control District, to adopt and enforce Rules and Regulations to achieve and maintain ambient air quality standards within the District; and

**WHEREAS**, Section 40702 of the Health and Safety Code of the State of California requires a district to adopt rules and regulations and do such acts as may be necessary or proper to execute the powers and duties granted; and

**WHEREAS**, the Board of Directors of the Placer County Air Pollution Control District is authorized to adopt rules and regulations and do such acts as may be necessary or proper to execute the powers and duties granted by Health and Safety Code Sections 40001, 40702, 40716, 41010, and 41013 (Health and Safety Code Section 40727(b)(2)); and

**WHEREAS**, the Board of Directors of the Placer County Air Pollution Control District has determined that the meaning of the amended Rule 301, Rule 302, and Rule 305 can be easily understood by the persons directly affected by it (Health and Safety Code Section 40727(b)(3)); and

**WHEREAS**, the Board of Directors of the Placer County Air Pollution Control District has determined that the amended Rules 301, 302, and 305 are in harmony with, and not in conflict with or contradictory to, existing statutes, court decisions, or state or federal regulations (Health and Safety Code Section 40727(b)(4)); and

**WHEREAS**, the Board of Directors of the Placer County Air Pollution Control District has maintained records of the rulemaking proceedings (Health and Safety Code Section 40728); and

**WHEREAS**, the Board of Directors of the Placer County Air Pollution Control District has made the findings pursuant to Health and Safety Code Section 40727, of necessity, authority, clarity, consistency, non-duplication, and reference in regard to the proposed amended rule; and,

**WHEREAS**, the District has considered the relative cost effectiveness of the amended measures as well as other factors, as required by Health and Safety Code Section 40922, and made reasonable efforts to determine the direct costs expected to be incurred by regulated parties pursuant to Health and Safety Code Section 40703; and

**WHEREAS**, the District finds that the proposed amended Rules 301, 302, and 305 are exempt from the California Environmental Quality Act (CEQA) because (1) it can be seen with certainty that there is no possibility that the activity in question may have a significant adverse effect on the environment (CEQA Guidelines §15061(b)(3)) and (2) it is as an action by a regulatory agency for protection of the environment (Class 8 Categorical Exemption, CEQA Guidelines §15308); and

**WHEREAS**, these proceedings were held in a public hearing and were properly noticed pursuant to Section 40725 of the Health and Safety Code of the State of California; with any evidence having been received concerning the proposed adoption of this Resolution and this Board having duly considered such evidence; and

**WHEREAS**, the Board of Directors of the Placer County Air Pollution Control District has determined that a need exists to amend Rule 301, Rule 302, and Rule 305 to limit or prohibit the open burning of cannabis growing or processing waste to minimize or prohibit air quality and nuisance smoke impacts upon the public; and

**WHEREAS**, a prohibition upon the burning of cannabis waste will align with the California Department of Food and Agriculture's "Emergency Regulations for Cannabis Cultivation" cannabis waste management requirements for either composting or haulage of waste to a solid waste disposal facility, and not open burning; and

**WHEREAS**, the amendment of Section 103.2 of Rule 305 to allow burn barrels to be used for the burning of dry paper or cardboard comports with the exemption provisions of the State's Airborne Toxic Control Measure to Reduce Emissions of Toxic Air Contaminants from Outdoor Residential Waste Burning; and

**WHEREAS**, when the burning of dry paper and cardboard is allowed by exemption, the use of a burn barrel is preferred versus unconfined burning, from a fire hazard perspective; and

**WHEREAS**, providing an effective date for the prohibitions on the open burning of cannabis waste of January 1, 2019, will provide time for the District to inform and advise persons burning cannabis waste of the prohibitions of the amended Rules without requiring District enforcement action.

**NOW, THEREFORE BE IT RESOLVED** that this Board of Directors adopts the amendments to Regulation 3, Open Burning, as shown in Exhibits I through III.

The following Regulation 3 rules have been amended:

- Rule 301, Non-Agricultural Burning Smoke Management
- Rule 302, Agricultural Waste Burning Smoke Management
- Rule 305, Residential Allowable Burning

**BE IT RESOLVED AND ORDERED** that the Air Pollution Control Officer is hereby authorized and directed to submit these adopted rules in the form required by the California Air Resources Board (CARB), on behalf of the Placer County Air Pollution Control District, and to request that CARB adopt these rules into the California State Implementation Plan (SIP) and that CARB submit these rules to the U.S. EPA for approval of these rules as revisions to the SIP, and to perform such acts as are necessary to carry out the purpose of this resolution.

**BE IT FURTHER RESOLVED AND ORDERED** that the prohibitions upon cannabis open burning shall become effective January 1, 2019; all other provisions of the amended Rules are effective upon the adoption.

Exhibits: (Shown as amended)

- I: Rule 301, Non-Agricultural Burning Smoke Management
- II: Rule 302, Agricultural Waste Burning Smoke Management
- III: Rule 305, Residential Allowable Burning

## **Exhibit I**

Rule 301, Nonagricultural Burning Smoke Management



# **RULE 301**

## **NONAGRICULTURAL BURNING SMOKE MANAGEMENT**

Adopted 02-10-11  
(Amended 02-09-12, 08-09-18)

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## 100 GENERAL

**101 PURPOSE:** To establish criteria for the disposal of vegetation from fire hazard reduction burning, mechanized burners, fires set or permitted by public officers, and right of way clearing, levee, ditch, and reservoir maintenance, to better manage smoke in order to reduce its effects.

## 102 APPLICABILITY

102.1 Geographic: The provisions of this Rule shall apply to all burning located within Placer County except where otherwise prohibited by a local jurisdiction.

102.2 Except as provided in the rules of Regulation 3, no person shall use open outdoor fires (including the use of a burn barrel) for the purpose of disposal or to burn any combustible.

## 103 EXEMPTIONS

### 103.1 Rule Exemptions

103.1.1 Burning conducted pursuant to Rule 302, AGRICULTURAL WASTE BURNING SMOKE MANAGEMENT is exempt from this Rule.

103.1.2 Burning conducted pursuant to Rule 303, PRESCRIBED BURNING SMOKE MANAGEMENT is exempt from this Rule.

103.1.3 Burning conducted pursuant to Rule 304, LAND DEVELOPMENT BURNING SMOKE MANAGEMENT is exempt from this Rule.

103.1.4 Burning conducted pursuant to Rule 305, RESIDENTIAL ALLOWABLE BURNING is exempt from this Rule.

103.1.5 Burning conducted pursuant to Rule 306, OPEN BURNING OF NON-INDUSTRIAL WOOD WASTE AT DESIGNATED DISPOSAL SITES is exempt from this Rule.

### 103.2 General Exemptions

103.2.1 Fire Hazard Reduction Burning Public Officer Waiver: If a Public Officer with jurisdiction determines that a condition exists in which a fire hazard or health hazard will have an imminent effect on life or property, he/she may waive the requirements of this Rule, providing that a written report of such burning is forwarded to the APCO stating why life and property were being threatened to the extent necessary to require such burning. The report shall provide other information as the APCO may reasonably require.

103.2.2 Recreational or Cooking Fire: A recreational or cooking fire, as defined, is exempt from the provisions of this rule provided that the fire is not used for waste disposal purposes. Only allowable combustibles and clean, unpainted, untreated lumber can be burned.

103.2.3 American Flag: The burning, in a respectful and dignified manner, of an unserviceable American flag that is no longer fit for display.

103.2.4 Open Burning Conducted By Public Officers: Burning conducted under Section 312, subsections 312.3, 312.4, 312.7 are exempt from Rule 301. Subsection 312.1, 312.2, 312.5, and 312.6 is exempt from Section 300 except for Section 303.

103.3 Exemptions, Minimum Drying Times

103.3.1 The burning of standing green vegetation which is part of right-of-way clearing, levee, ditch, and reservoir maintenance burning is exempt from Section 306 when such vegetation may need to be burned green.

103.3.2 The APCO may grant an exemption to the drying times specified in Section 306 if the denial of such burning would threaten imminent and substantial economic loss.

**200** **DEFINITIONS** (Unless otherwise defined below, the terms used in this Rule are defined in Rule 102, DEFINITIONS.)

**201** **ALLOWABLE COMBUSTIBLES:** Vegetation originating on the premises and reasonably free of dirt, soil, and visible surface moisture.

**202** **BURN BARREL:** A metal container used outdoors for the purpose of disposal.

**203** **CANNABIS OR MARIJUANA:** These terms shall be used interchangeably and means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, including marijuana as defined by California Health and Safety Code Section 11018, as may be amended, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. The prohibitions of Section 302 of this Rule do not apply to "industrial hemp" as defined by California Food and Agricultural Code Section 81000, as may be amended, or California Health and Safety Code Section 11018.5, as may be amended.

**204** **COMBUSTIBLE:** Any substance capable of burning or any substance that will readily burn.

**205** **CONSTRUCTION-DEMOLITION DEBRIS:** Any material associated with the construction or demolition of any building, dwelling, or other man-made structure including but not limited to; lumber, tar paper, roofing material, wiring, flooring material, insulation, and plywood.

**206** **DISALLOWED COMBUSTIBLES:** Any waste or manufactured material, including but not limited to petroleum products and petroleum wastes; construction and demolition debris; coated wire; putrescible (rotten wastes) and non-putrescible solid, semisolid and liquid materials or wastes; tires; tar; tarpaper; non-natural wood waste; processed or treated wood and wood products; metals; motor vehicle bodies and parts; rubber; synthetics; plastics, including plastic film, twine and pipe; fiberglass; styrofoam; garbage; trash; refuse; rubbish; disposable diapers; ashes; glass; industrial wastes; manufactured products; equipment; instruments; utensils; appliances; furniture; cloth; rags; paper or paper products; cardboard; boxes; crates; excelsior; offal; swill; carcass of a dead animal; manure; human or animal parts or wastes, including blood; and fecal- and food-contaminated material.

**207** **FIRE HAZARD REDUCTION BURNING:** The burning of flammable vegetation that has been removed and cleared away from buildings or structures in compliance with local ordinances to reduce fire hazard pursuant to California Public Resources Code Section 4291.

**208** **FIRE PROTECTION AGENCY:** Any agency with the responsibility and authority to protect people, property, and the environment from fire, and having jurisdiction within the District.

**209** **FLAMMABLE:** Capable of catching fire easily, or combustible.

- 210 INCINERATOR:** Any device constructed of non-flammable materials, including containers commonly known as burn barrels, for the purpose of burning therein, trash, debris, and other flammable materials for volume reduction or destruction.
- 211 NO-BURN DAY:** Any day on which agricultural burning, including prescribed burning, is prohibited by the ARB or the APCO.
- 212 OPEN BURNING OR OPEN OUTDOOR FIRE:** Burning of any combustibles of any type, outdoors in the open air, where the products of combustion are not directed through a flue.
- 213 PERMISSIVE BURN DAY OR BURN DAY:** Any day in which agricultural burning including prescribed burning, is not prohibited by the ARB and/or the APCO.
- 214 PROCESSED OR TREATED WOOD AND WOOD PRODUCTS:** Wood that has been chemically treated to retard rot or decay, or wood that has been modified with glues, laminates, stains, finishes, paints or glosses for use in furniture or for construction purposes, including but not limited to; plywood, particle board, fencing, or railroad ties.
- 215 RECREATIONAL OR COOKING FIRE**
- 215.1 A fire that is used for recreational purposes including campfires and bon fires as well as fires in fire pits and fire bowls and similar free-standing devices.
- 215.2 An open outdoor fire used for the cooking of food for human consumption.
- 216 RIGHT-OF-WAY CLEARING, LEVEE, DITCH, AND RESERVOIR MAINTENANCE BURNING:** The use of fire for the disposal of vegetation, which may include standing green vegetation (e.g. grasses, weeds, brush and small trees), for right-of-way clearing by a public entity or utility or for levee, ditch, or reservoir maintenance.

### **300 STANDARDS**

- 301 PROHIBITIONS ON OPEN BURNING:** Except as provided in Regulation 3, no person shall use an open outdoor fire (including the use of a burn barrel) for the purpose of disposal or burning of any disallowed combustibles.
- 302 ALLOWABLE COMBUSTIBLES:** The only allowable combustibles that can be burned is vegetation originating on the premises which is reasonably free of dirt, soil, and visible surface moisture. The burning of cannabis for disposal purposes is prohibited. The burning of poison oak (*toxicodendron diversilobum*) or oleander (*nerium oleander*) for disposal purposes may be prohibited or may be subject to additional permit conditions under Section 303.
- 303 BURN PERMITS**
- 303.1 A person shall not ignite or allow open outdoor burning without first obtaining a valid burn permit from the District for the following:
- 303.1.1 Fire Hazard Reduction
- 303.1.2 Mechanized Burner
- 303.1.3 Open Burning Conducted by Public Officers
- 303.1.4 Right of Way Clearing, Levee, Ditch and Reservoir Maintenance
- 303.2 A separate burn permit may also be required by the fire protection agency that has jurisdiction in the area of the proposed burn project.

- 303.3 The APCO may prohibit or may add additional specific burn permit conditions for the burning of poison oak (*toxicodendron diversilobum*) or oleander (*nerium oleander*) for disposal purposes.
- 304 BURN PERMIT VALIDITY:** No burn permit shall be construed to authorize open outdoor fires for any day during which:
- 304.1 It is a no-burn day.
- 304.2 Open burning is prohibited by a fire protection agency for fire control or prevention.
- 305 BURN DAYS:** No person shall knowingly ignite or allow ignition of allowable combustibles on no burn days or when burning is prohibited by a fire protection agency.
- 306 VEGETATION PREPARATION AND DRYING TIMES:** To assure rapid and complete combustion with a minimum of smoke, and to lower the moisture content of the vegetation being burned, (from when the vegetation was cut and is to be burned), the following are drying times.
- 306.1 No vegetation shall be burned unless it is reasonably free of disallowed combustibles, dirt, soil, and surface moisture and shall be burned in a manner to prevent excessive smoke. Excessive smoke is that which causes a nuisance.
- 306.2 Vegetation stacked for burning shall not be burned unless it is stacked in such a manner to promote drying and ensure combustion with a minimum amount of smoke.
- 306.3 A minimum of 15 days of drying time for fine prunings or cuttings less than 3" in diameter, at the cut end.
- 306.4 A minimum of three to six weeks of drying time for prunings or brush or small branches 3 to 6 inches in diameter, at the cut end.
- 306.5 A minimum of six weeks of drying time for trees, stumps, and large branches, greater than 6 inches in diameter, at the cut end.
- 306.6 Vegetation or stumps, greater than 12 inches in diameter, shall not be burned unless they are split smaller than 12 inches in diameter and are free of dirt.
- 307 APPROVED IGNITION DEVICES:** All open outdoor fires as authorized by this Rule shall be ignited only with approved ignition devices. The vegetation to be burned should be ignited as rapidly as practicable within applicable fire control restrictions.
- 308 WIND DIRECTION:** Burning shall be curtailed when smoke is drifting into a nearby populated area or which is or may become a nuisance or hazard.
- 309 DETERMINATION OF AMOUNT BURNED DAILY:** Only that amount of vegetation that can be reasonably expected to burn completely within 24 hours of ignition.
- 310 FIRE HAZARD REDUCTION BURNING IN COMPLIANCE WITH LOCAL ORDINANCE:** The burning of allowable combustibles in open outdoor fires for disposal purposes on the property where grown is allowed when done for the purposes of compliance with local ordinances to reduce fire hazard.
- 311 MECHANIZED BURNER:** The APCO may authorize by burn permit open outdoor fires for the purpose of disposing of agricultural wastes or wood waste from trees, vines, bushes or other wood debris free of non-wood materials, in a mechanized burner such

that no air contaminant is discharged into the atmosphere for a period or periods aggregating more than 30 minutes in any eight (8) hour period which is:

- 311.1 As dark or darker in shade as that designated No. 1 on the Ringelmann Chart, as published by the United States Bureau of Mines, or
- 311.2 Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection 311.1 of this Rule.
- 311.3 In authorizing the operation of a mechanized burner the APCO may make the burn permit subject to whatever conditions are reasonably necessary to assure conformance with the standards prescribed in this Section, provided the requirements of Sections 303 are met. Section 306, Vegetation Preparation and Drying Times, does not apply.

**312 OPEN BURNING CONDUCTED BY PUBLIC OFFICERS:** Except as provided for under subsection 103.2.4, nothing in this rule shall be construed as limiting the authority granted under other provisions of law to any public officer, such as fire, agricultural or health officer, to set or permit a fire when such a fire is, in the opinion of said officer, necessary for any of the following purposes:

- 312.1 The prevention of a fire hazard which cannot be abated by any other means.
- 312.2 The instruction of public employees and/or volunteer firemen in the methods of fighting fires.
- 312.3 To set or cause to be set backfires necessary to save life or valuable property pursuant to Section 4426 of the Public Resources Code.
- 312.4 The instruction of employees in methods of fighting fires on property used for industrial purposes.
- 312.5 Disease or pest prevention, where there is an immediate need and no reasonable alternative exists.
- 312.6 The abatement of fire hazards pursuant to H & S Code, Section 13055. Any public agency authorized to engage in fire protection activities, including but not limited to a fire protection district, city, city and county, or county fire department, the Department of Forestry, and the United States Forest Service may use fire to abate a fire hazard.
- 312.7 The remediation of an oil spill pursuant to Section 8670.7 of the Government Code.

**313 RIGHT-OF-WAY CLEARING, LEVEE, DITCH, AND RESERVOIR MAINTENANCE BURNING:** The following conditions apply:

- 313.1 Disallowed combustibles must be removed prior to burning.
- 313.2 Vegetation has been prepared by stacking, drying or other methods that promote combustion as specified by the District.

**400 ADMINISTRATIVE REQUIREMENTS**

**401 BURN PERMIT APPLICATION INFORMATION**

- 401.1 Type of burning;
- 401.2 Name and/or Business Name and address of the permittee;

- 401.3 Location of the proposed burn;
- 401.4 Distance from the proposed burn to the nearest neighboring home or structure;
- 401.5 The type of vegetation to be burned;
- 401.6 Acreage or estimated tonnage or size of pile of the vegetation to be burned;
- 401.7 Reason for burning;
- 401.8 Applicant's signature with date signed. The applicant signing the burn permit shall read and attest to the accuracy of the information provided.
- 401.9 Each burn permit issued shall bear a statement of warning containing the following words or words of like or similar import: "THIS BURN PERMIT IS VALID ONLY FOR THOSE DAYS ON WHICH THE STATE AIR RESOURCES BOARD DOES NOT PROHIBIT AGRICULTURAL BURNING PURSUANT TO SECTION 41855 OF THE HEALTH AND SAFETY CODE."
- 401.10 The applicant or representative shall have the burn permit available for inspection at the burn site during the burn.

**402 REVOCATION OF A BURN PERMIT:** The APCO, or his/her designee, may revoke a burn permit if it is found that the burn permit conditions, any state or federal laws, or the provisions of this Rule have been violated. The designated agency or the APCO shall notify the burn permit holder in writing of the revocation and the reasons therefore, service of the notification of revocation may be made by personal delivery or certified mail. In the case of service by mail, service shall be deemed complete at the time of deposit of the notification in the United States Post Office, or a mail box, sub-Post Office, substation, or mail chute, or other like facility.

- 402.1 Within ten days after service of notice of revocation specified in Section 402 above, the burn permit holder may petition the Hearing Board in writing for a public hearing. The Hearing Board, after notice and a public hearing held within 30 days after filing the petition, may sustain or reverse the decision of the APCO or the designated agency.

**403 BURN PERMIT FEES:** Burn permits are valid only following receipt of fees specified in Rule 607, BURN PERMIT FEES.

## **500 MONITORING AND RECORDS**

### **501 BURN REPORTS**

- 501.1 Public Officer Fire Hazard Reduction Burning Report: A fire hazard reduction burning report as required in subsection 103.2.1 shall be submitted if the fire hazard reduction exemption is employed. The report shall contain the location, type, and amount of vegetation burned and information on the determination made that there is a fire or health hazard condition having an imminent effect on life or property, what the threat to life and property is and the reason that alleviation of the threat requires such burning. The report shall provide other information as the APCO may reasonably require.

## **Exhibit II**

Rule 302, Agricultural Waste Burning Smoke Management





# **RULE 302 AGRICULTURAL WASTE BURNING SMOKE MANAGEMENT**

Adopted 02-10-11  
(Amended 02-09-12, 08-09-18)

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## 100 GENERAL

- 101 PURPOSE:** To establish standards and administrative requirements under which agricultural burning, including the burning of agricultural wastes, limited to the growing of crops or raising of fowl or animals, may occur in a reasonably regulated manner that manages the generation of smoke and reduces the emission of particulates and other air contaminants from such burning.

To establish the requirements pursuant to Title 17 CCR Subchapter 2 - Smoke Management Guidelines for Agricultural and Prescribed Burning, Article 2 - District Smoke Management Program.

- 102 APPLICABILITY:** The provisions of this rule shall apply to all agricultural burning located in Placer County except where otherwise prohibited by a local jurisdiction.

### 103 EXEMPTIONS

#### 103.1 Rule Exemptions

- 103.1.1 Burning conducted pursuant to Rule 301; NONAGRICULTURAL BURNING SMOKE MANAGEMENT is exempt from this Rule.
- 103.1.2 Burning conducted pursuant to Rule 303, PRESCRIBED BURNING SMOKE MANAGEMENT is exempt from this Rule.
- 103.1.3 Burning conducted pursuant to Rule 304, LAND DEVELOPMENT BURNING SMOKE MANAGEMENT is exempt from this Rule.
- 103.1.4 Burning conducted pursuant to Rule 305, RESIDENTIAL ALLOWABLE BURNING is exempt from this Rule.
- 103.1.5 Burning conducted pursuant to Rule 306, OPEN BURNING OF NON-INDUSTRIAL WOOD WASTE AT DESIGNATED DISPOSAL SITES is exempt from this Rule.
- 103.1.6 The use of orchard or citrus heaters for the prevention of frost damage is provided for under Rule 208, ORCHARD OR CITRUS HEATERS.

#### 103.2 Exemptions from Section 304, Burn Days

- 103.2.1 Empty Sacks or Containers: The APCO may, by special burn permit, authorize the burning of empty sacks or containers which contained pesticides or other toxic substances on the premises where used, provided the sacks or containers are within the definition of agricultural wastes.
- 103.2.2 Burn Day Exemption for Threat of Imminent and Substantial Economic Loss: The APCO may, by burn permit, allow agricultural burning on days designated by the ARB or APCO as "no burn days", if the denial of the burn permit would threaten imminent and substantial economic loss. The granting of an exception does not exempt the applicant from any other District or fire control regulations. Such authorization shall be limited to the amount of acreage which can be burned in any one day and only authorizes burning which is not likely to cause or contribute to exceedances of air quality standards or result in smoke impacts to smoke sensitive areas.

### 103.3 Exemptions, Minimum Drying Times

103.3.1 The burning of standing green vegetation associated with right-of-way clearing, levee, ditch, and reservoir maintenance burning, is exempt from Section 305 when such vegetation may need to be burned green.

103.3.2 The APCO may grant an exemption to the drying times specified in Section 305 if the denial of such burning would threaten imminent and substantial economic loss.

**200** **DEFINITIONS** (Unless otherwise defined below, the terms used in this Rule are defined in Rule 102, DEFINITIONS or Rule 301, NONAGRICULTURAL BURNING SMOKE MANAGEMENT.)

**201** **AGRICULTURAL BURNING:** Open outdoor fires used in agricultural operations in the growing of crops or raising of fowl or animals; open outdoor fires used in forest management, range improvement; or the improvement of land for wildlife and game habitat or disease or pest prevention or the use of open outdoor fires used in the operation or the maintenance of a system for the delivery of water and wildland vegetation management burning.

**202** **AGRICULTURAL OPERATION:** The growing and harvesting of crops or raising of fowl or animals for the primary purpose of making a profit or providing a livelihood or the conducting of agricultural research or instruction by an educational institution. Agricultural operations do not include activities involving the processing or distribution of crops or fowl.

### **203** **AGRICULTURAL WASTES**

203.1 The unwanted or unsalable materials produced wholly from agricultural operations and materials not produced from agricultural operations but which are intimately related to the growing or harvesting of crops.

203.2 Materials not produced wholly from agricultural operations, but which are intimately related to the growing or harvesting of crops and which are used in the field. This includes materials such as fertilizer and pesticide paper sacks or paper containers, where the sacks or containers are emptied in the field. This does not include such items as shop wastes, demolition materials, garbage, oil filters, tires, plastic pesticide containers (except for paper pesticide containers), broken boxes, pallets, or other similar material, or orchard or vineyard waste removed for land use conversion to nonagricultural purposes.

**204** **CANNABIS OR MARIJUANA:** These terms shall be used interchangeably and mean all parts of the plant Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, including marijuana as defined by California Health and Safety Code Section 11018, as may be amended, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. The prohibitions of Section 301 of this Rule do not apply to "industrial hemp" as defined by California Food and Agricultural Code Section 81000, as may be amended, or California Health and Safety Code Section 11018.5, as may be amended.

**205** **DISALLOWED COMBUSTIBLES:** Any waste or manufactured material, including but not limited to: petroleum products and petroleum wastes; construction and demolition debris; coated wire; putrescible (rotten wastes) and non-putrescible solid, semisolid and liquid materials or wastes; tires; tar; tarpaper; non-natural wood waste; processed or treated wood and wood products; metals; motor vehicle bodies and parts; rubber; synthetics; plastics, including plastic film, twine and pipe; fiberglass; styrofoam; garbage; trash; refuse; rubbish; disposable diapers; ashes; glass; industrial wastes; manufactured products; equipment; instruments; utensils; appliances; furniture; cloth; rags; paper or

paper products; cardboard; boxes; crates; excelsior; offal; swill; carcass of a dead animal; manure; human or animal parts or wastes, including blood; and fecal- and food-contaminated material.

- 206 NO BURN DAY:** Any day on which agricultural burning, including prescribed burning, is prohibited by the ARB or the APCO.
- 207 OPEN BURNING OR OPEN OUTDOOR FIRE:** Burning of any combustibles of any type, outdoors in the open air, where the products of combustion are not directed through a flue.
- 208 PERMISSIVE BURN DAY OR BURN DAY:** Any day in which agricultural burning, including prescribed burning is not prohibited by the ARB and/or the APCO.
- 209 RIGHT-OF-WAY CLEARING, LEVEE, DITCH, AND RESERVOIR MAINTENANCE BURNING:** The use of fires for the disposal of vegetation, which may include standing green vegetation (e.g. grasses, weeds, brush and small trees), for right-of-way clearing by a public entity or utility or for levee, ditch, or reservoir maintenance.
- 210 SACRAMENTO VALLEY SMOKE MANAGEMENT PROGRAM:** A regional program implemented under a plan prepared by the Sacramento Valley Basin Wide Air Pollution Control Council (BCC) and its Technical Advisory Committee (TAC). The BCC and TAC are comprised of an elected district board member and air pollution control officer, respectively, from each air district in the Basin: Butte, Colusa, Glenn, Placer, Sacramento, Shasta, Tehama, Yolo/Solano, and Feather River. The BCC reviews and amends the program in cooperation with the staff of the California Air Resources Board Meteorology and Compliance Program Review sections, the affected industry, environmental groups, and other interested parties.
- 211 SMOKE MANAGEMENT PLAN:** A document prepared for each prescribed fire by land managers or fire managers that provides the information and procedures required in Section 80160 of Title 17 of the California Code of Regulations, and as provided for in Rule 303, Prescribed Burning Smoke Management.
- 212 SMOKE MANAGEMENT PROGRAM:** A program adopted by the District Board and approved by the ARB as required under Title 17, Chapter 1, Subchapter 2; Smoke Management Guidelines for Agricultural and Prescribed Burning. The program outlines the implementation and enforcement of a smoke management program for those portions of Placer County in the Mountain Counties and Lake Tahoe Air Basins.

### **300 STANDARDS**

- 301 PROHIBITIONS ON OPEN BURNING:** Except as provided in Regulation 3, no person shall use open outdoor fires (including the use of a burn barrel) for the purpose of disposal or burning of any disallowed combustibles. The open burning of waste from cannabis grown or processed for commercial purposes is prohibited,
- 302 BURN PERMITS**
- 302.1 A person shall not ignite or allow agricultural burning, including the burning of agricultural wastes, without first obtaining a valid burn permit from the District.
- 302.2 A separate burn permit may also be required by the fire protection agency that has jurisdiction in the area of the proposed burn project.
- 303 BURN PERMIT VALIDITY:** No burn permit shall be construed to authorize open outdoor fires for any day during which:
- 303.1 It is a no-burn day.

- 303.2 Open burning is prohibited by a fire protection agency for fire control or prevention.

#### **304 BURN DAYS**

- 304.1 No person shall knowingly ignite or allow ignition of agricultural waste burning on no burn days or when burning is prohibited by fire protection agency.
- 304.2 Burn Hours: No field crop burning shall commence before 10:00 AM or after 5:00 PM of any day unless otherwise designated. The District may further restrict burning hours if it is deemed necessary to prevent adverse impacts to downwind receptors.

#### **305 VEGETATION PREPARATION AND DRYING TIMES**

- 305.1 Rice Harvesting - Mechanical Straw Spreader: All rice harvesting shall employ a mechanical straw spreader to ensure even distribution of the straw, with the following exception.
- 305.1.1 Rice straw may be left in rows, provided it meets the drying time criteria prior to a burn, as described in Section 306.1.
- 305.1.2 After harvest, no spread rice straw shall be burned prior to a three day drying period. No rowed rice straw shall be burned prior to a ten day drying period.
- 305.2 Other Agricultural Waste Burning: To assure rapid and complete combustion with a minimum of smoke, and to lower the moisture content of the vegetation being burned, (from when the vegetation was cut and is to be burned), the following are drying times.
- 305.2.1 A minimum of three days for other agricultural waste such as field crop residue (other than rice stubble), vegetable tops, and seed screenings to assure rapid and complete combustion with a minimum of smoke.
- 305.2.2 A minimum of 15 days of drying time for fine prunings or cuttings, less than 3 inches in diameter, at the cut end.
- 305.2.3 A minimum of three to six weeks of drying time for prunings or brush or small branches 3 to 6 inches in diameter, at the cut end.
- 305.2.4 A minimum of six weeks of drying time for trees, stumps, and large branches greater than 6 inches in diameter, at the cut end.
- 305.2.5 No vegetation shall be burned unless it is reasonably free of dirt, soil, and surface moisture and shall be burned in a manner to prevent excessive smoke. Excessive smoke is that which causes a nuisance.
- 305.2.6 Vegetation stacked for burning shall not be burned unless it is stacked in such a manner to promote drying and ensure combustion with a minimum amount of smoke.
- 305.2.7 The vegetation to be burned shall be free of disallowed combustibles and other material that is not produced in an agricultural operation.

#### **306 STRAW MOISTURE DETERMINATION (CRACKLE TEST)**

306.1 Water Moisture: After a rain exceeding 0.15 inches, the provisions of Section 305.1.2, notwithstanding, rice straw shall not be burned unless the straw makes an audible crack when tested just prior to burning. The method of testing shall be as described in subsection 306.2.

306.2 Straw: When checking a field for moisture a composite sample of straw from under the mat in the center of the mat and from different areas of the field shall be taken to ensure a representative sample. The provisions of Section 305.1 notwithstanding, straw shall only be deemed dry enough to burn if a handful of straw selected crackles audibly when it is bent sharply.

**307 LIGHTING PRACTICES:** Field crop straw and residue shall be ignited only by strip firing into-the-wind or by backfiring except when and where an extreme fire hazard is declared by a fire protection agency or where crops are determined not to lend themselves to these techniques.

**308 APPROVED IGNITION DEVICES:** All open outdoor fires as authorized by this regulation shall be ignited only with approved ignition devices. The vegetation to be burned should be ignited as rapidly as practicable within applicable fire control restrictions.

**309 WIND DIRECTION:** Burning shall be curtailed when smoke is drifting into a nearby populated area or which is or may become a nuisance or hazard.

**310 DETERMINATION OF AMOUNT BURNED DAILY:**

310.1 Sacramento Valley Air Basin:

310.1.1 The daily acreage allotment on permissive burn days for open outdoor burning in agricultural operations in the growing of crops or the raising of fowl or animals shall be no more than that amount determined by the ARB from the daily basin wide acreage allotment equation contained in the approved Sacramento Valley Smoke Management Program.

310.1.2 A prescribed burn conducted under a Smoke Management Plan, shall be considered a part of the daily agricultural burn acreage allocation.

310.2 Mountain Counties and Lake Tahoe Air Basins: Only that amount of vegetation that can be reasonably expected to burn completely within 24 hours of ignition.

**311 RIGHT-OF-WAY CLEARING, LEVEE, DITCH, AND RESERVOIR MAINTENANCE BURNING:** The following conditions apply:

311.1 Disallowed combustibles must be removed prior to burning.

311.2 Vegetation has been prepared by stacking, drying, or other methods to promote combustion as specified by the District.

**400 ADMINISTRATIVE REQUIREMENTS**

**401 BURN PERMIT APPLICATION INFORMATION**

401.1 Type of burning;

401.2 Name and/or Business Name and address of the permittee;

401.3 Location of the proposed burn;

401.4 Distance from the proposed burn to the nearest neighboring home or structure;

- 401.5 The type of vegetation or agricultural waste to be burned;
- 401.6 Acreage or estimated tonnage or size of pile of the vegetation to be burned;
- 401.7 Reason for burning;
- 401.8 Applicant's signature with date signed. The applicant signing the burn permit shall read and attest to the accuracy of the information provided.
- 401.9 Each burn permit issued shall bear a statement of warning containing the following words or words of like or similar import: "THIS BURN PERMIT IS VALID ONLY FOR THOSE DAYS ON WHICH THE STATE AIR RESOURCES BOARD DOES NOT PROHIBIT AGRICULTURAL BURNING PURSUANT TO SECTION 41855 OF THE HEALTH AND SAFETY CODE."
- 401.10 The applicant or representative shall have the burn permit available for inspection at the burn site during the burn.

**402 REVOCATION OF A BURN PERMIT:** The APCO, or his/her designee, may revoke a burn permit if it is found that the burn permit conditions, any state or federal laws, or the provisions of this Rule have been violated. The designated agency or the APCO shall notify the burn permit holder in writing of the revocation and the reasons for the revocation. Service of the notification of revocation may be by personal delivery or certified mail. In the case of service by mail, service shall be deemed complete at the time of deposit of the notification in the United States Post Office, or a mail box, sub-Post Office, substation, or mail chute, or other like facility.

- 402.1 Within ten days after service of the notice of revocation specified in Section 402, the burn permit holder may petition the Hearing Board in writing for a public hearing. The Hearing Board, after notice and a public hearing held within 30 days after filing the petition, may sustain or reverse the decision of the APCO or the designated agency.

#### **403 SMOKE MANAGEMENT PROGRAM**

- 403.1 Sacramento Valley Air Basin: The Sacramento Valley Smoke Management Program applies to agricultural and other burning operations, as defined by Section 80101 of Title 17 of the CCR, which are conducted at all elevations in the Sacramento Valley Air Basin. Policies and procedures specified by the Sacramento Valley Smoke Management Program apply throughout the year unless otherwise specified in the program.

- 403.2 Mountain Counties and Lake Tahoe Air Basins: The Placer County Smoke Management Program applies to agricultural and other burning operations, as defined by Section 80101 of Title 17 of the CCR, which are in the Mountain Counties and Lake Tahoe Air Basins. Policies and procedures specified by this program apply throughout the year unless otherwise specified in the program.

**404 APCO APPROVAL:** No person shall commence an agricultural burn without receiving permission from the APCO, or his/her designee. For those air basins using a daily allocation system, the APCO shall distribute the daily allocated acreage for the purposes of minimizing the density of emissions and protecting downwind urban areas.

**405 BURN PERMIT FEES:** Burn permits are valid only following receipt of fees specified in Rule 607, BURN PERMIT FEES.

#### **500 MONITORING AND RECORDS**



## **501 BURN REPORTS**

- 501.1 Annual Report: A report of agricultural burning conducted shall be submitted to the ARB by the District within 45 days of the end of each calendar year. The report shall include the estimated tonnage or acreage of each agricultural waste type burned from open outdoor burning in agricultural operations and the location of where the burning was performed.
- 501.2 Special Burn Permits Issuance Report: A report of burn permits issued, each year, pursuant to subsection 103.2.2 shall be submitted to the ARB within 45 days of the end of the calendar year. The report shall include the number of such burn permits issued, the date of issuance, the person or persons to whom the burn permit was issued, an estimate of the amount of agricultural wastes burned, and a summary of the reasons why denial of each burn permit would have threatened imminent and substantial economic loss, including the nature and dollar amounts of such loss.

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## **Exhibit III**

Rule 305, Residential Allowable Burning



# **RULE 305 RESIDENTIAL ALLOWABLE BURNING**

Adopted 02-10-11  
(Amended 02-09-12, 08-09-18)

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### **400 ADMINISTRATIVE REQUIREMENTS (None)**

### **500 MONITORING AND RECORDS (None)**

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## 100 GENERAL

**101 PURPOSE:** To reduce emissions of toxic air contaminants from smoke from allowed outdoor burning at a residence, of allowable combustibles originating, on the premises where burned.

## 102 APPLICABILITY

102.1 This rule shall apply to persons conducting outdoor burning of residential allowable combustibles.

102.2 Title 17 of the California Code of Regulations for the Airborne Toxic Control Measure (ATCM) to Reduce Emissions of Toxic Air Contaminants from Outdoor Residential Waste Burning.

## 103 EXEMPTIONS

### 103.1 Rule Exemptions

103.1.1 Burning conducted pursuant to Rule 301, NONAGRICULTURAL BURNING SMOKE MANAGEMENT is exempt from this Rule.

103.1.2 Burning conducted pursuant to Rule 302, AGRICULTURAL WASTE BURNING SMOKE MANAGEMENT is exempt from this Rule.

103.1.3 Burning conducted pursuant to Rule 303, PRESCRIBED BURNING SMOKE MANAGEMENT is exempt from this Rule.

103.1.4 Burning conducted pursuant to Rule 304, LAND DEVELOPMENT BURNING SMOKE MANAGEMENT is exempt from this Rule.

103.1.5 Burning conducted pursuant to Rule 306, OF OPEN BURNING OF NONINDUSTRIAL WOOD WASTE AT DESIGNATED DISPOSAL SITES is exempt from this Rule.

103.2 Exempt Areas: Effective January 1, 2004, the burning of dry, non-glossy paper and cardboard, or the use of a burn barrels, or both, may be allowed if an exemption has been approved by the District Board of Directors that meets all the following subsections 103.2.1 through 103.2.6.

103.2.1 Burning is only conducted on burn days, and

103.2.2 The dry, non-glossy paper and cardboard to be burned originates from, and will be burned on, the premises of a residence, and

103.2.3 The residence is not in an incorporated place; and

103.2.4 The residence lies within the boundaries of a census zip code or census zip code sub-area, within the district where the population density is equal to or less than 10.0 persons, as calculated from the last decennial United States Census Data; and

103.2.5 The residence is in an area not served on a weekly basis by an organized waste disposal service; and

103.2.6 The residence does not lie within the boundary of a jurisdiction which prohibits the burning of dry, non-glossy paper and cardboard as of January 4, 2002, or thereafter.

103.2.57 Within the boundaries of the census zip code or zip code sub-area, if the population density remains equal to or below 10.0 persons the air district may renew the exemption every ten years for a census zip code and every five years for census zip code sub-area pursuant to Section 93113(e), Title 17 of the California Code of Regulations.

**200 DEFINITIONS:** (Unless otherwise defined below, the terms used in this Rule are as defined in Rule 102, DEFINITIONS or Rule 301, NONAGRICULTURAL BURNING SMOKE MANAGEMENT.)

**201 ALLOWABLE COMBUSTIBLES:** Vegetation originating on the premises of a residence, limited to the following: dry trees and trimmings, dry brush/shrubs, dry leaves, pine needles, grasses and forbs, dry plants and flowers, dry weeds, and dry vines. Lawn clippings, oleander (*nerium oleander*), cannabis, and poison oak (*toxicodendron diversilobum*) are excluded. Vegetation that is not reasonably free of dirt, soil, and visible surface moisture, is not an allowed combustible.

**202 BURN BARREL:** A metal container used to hold combustible or flammable waste materials, so that they can be ignited outdoors for purpose of disposal.

**203 CANNABIS OR MARIJUANA:** These terms shall be used interchangeably and mean all parts of the plant Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, including marijuana as defined by California Health and Safety Code Section 11018, as may be amended, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. The prohibitions of Section 302 of this Rule also apply to "industrial hemp" as defined by California Food and Agricultural Code Section 81000, as may be amended, or California Health and Safety Code Section 11018.5, as may be amended.

**204 COMBUSTIBLE:** Any substance capable of burning or any substance that will readily burn.

**205 DISALLOWED COMBUSTIBLES:** Any waste or manufactured material, including but not limited to petroleum products and petroleum wastes; construction and demolition debris; coated wire; putrescible (rotten wastes) and non-putrescible solid, semisolid and liquid materials or wastes; tires; tar; tarpaper; non-natural wood waste; processed or treated wood and wood products; metals; motor vehicle bodies and parts; rubber; synthetics; plastics, including plastic film, twine and pipe; fiberglass; styrofoam; garbage; trash; refuse; rubbish; disposable diapers; ashes; glass; industrial wastes; manufactured products; equipment; instruments; utensils; appliances; furniture; cloth; rags; paper or paper products; cardboard; boxes; crates; excelsior; offal; swill; carcass of a dead animal; manure; human or animal parts or wastes, including blood; and fecal- and food-contaminated material.

**206 NO-BURN DAY:** Any day on which agricultural burning, including residential burning, is prohibited by the ARB or the APCO.

**207 OPEN BURNING OR OPEN OUTDOOR:** Burning of any combustibles of any type, outdoors in the open air, where the products of combustion are not directed through a flue.

**208 PERMISSIVE BURN DAY OR BURN DAY:** Any day in which agricultural burning including residential burning, is not prohibited by the ARB and/or the APCO.

**209 RESIDENCE:** A single or two-family dwelling unit and the land and ancillary surrounding (nonresidential) structures.



## 300 STANDARDS

- 301 PROHIBITIONS ON OPEN BURNING:** Except as provided in Regulation 3, no person shall use an open outdoor fire (including the use of a burn barrel) for the purpose of disposal or burning of any disallowed combustibles.
- 302 RESIDENTIAL ALLOWABLE BURNING:** Only allowable combustibles, originating at a residence, and free of disallowed combustibles, and reasonably free from dirt, soil, and visible surface moisture, may be burned in an open outdoor burn pile. Burning in a burn barrel is prohibited.
- 303 BURN PERMITS**
- 303.1 A District burn permit is not required for residential allowable burning.
- 303.2 A separate burn permit may also be required from the fire protection agency that has jurisdiction in the area of the residential allowable burning.
- 304 BURN DAYS:** No person shall knowingly ignite, or allow ignition of allowable combustibles on no-burn days or when it is prohibited by a fire protection agency.
- 305 VEGETATION PREPARATION AND DRYING TIMES:** To assure rapid and complete combustion with a minimum of smoke, and to lower the moisture content of the vegetation being burned, (from when the vegetation was cut and is to be burned), the following are drying times.
- 305.1 No vegetation shall be burned unless it is free of disallowed combustibles, dirt, soil, and surface moisture and shall be burned in a manner to prevent excessive smoke. Excessive smoke is that which causes a nuisance.
- 305.2 Vegetation stacked for burning shall not be burned unless it is stacked in such a manner to promote drying and ensure combustion with a minimum amount of smoke.
- 305.3 A minimum of 15 days of drying time for fine prunings or cuttings less than 3 inches in diameter, at the cut end.
- 305.4 A minimum of three to six weeks of drying time, for prunings or brush or small branches 3 to 6 inches in diameter, at the cut end.
- 305.5 A minimum of six weeks of drying time for trees, stumps and large branches greater than 6 inches in diameter, at the cut end.
- 305.6 Vegetation or stumps, greater than 12 inches in diameter, shall not be burned unless they are split smaller than 12 inches in diameter and are free of dirt.
- 306 APPROVED IGNITION DEVICES:** All open fires as authorized by this regulation shall be ignited only with approved ignition devices. The vegetation to be burned should be ignited as rapidly as practicable within applicable fire control restrictions.
- 307 WIND DIRECTION:** Burning shall be curtailed when smoke is drifting into a nearby populated area or when it is or may become a nuisance or hazard.
- 308 DETERMINATION OF AMOUNT BURNED DAILY:** Only that amount of vegetation that can be reasonably expected to burn completely within 24 hours of ignition unless the burn hours are further restricted.

**400 ADMINISTRATIVE REQUIREMENTS** (None)

**500 MONITORING AND RECORDS** (None)



<p>Board Agenda Item 7</p> <p><i>Action/Public Hearing</i></p>
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**Agenda Date:** August 9, 2018

**Prepared By:** Todd K. Nishikawa, Deputy Air Pollution Control Officer

**Topic:** Amendment of Open Burning Rules 301, 302, and 305 to Prohibit the Burning of Waste from the Growing and Processing of Cannabis

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**Action Requested:**

- 1) Conduct a Public Hearing regarding the adoption of proposed amendments to Regulation 3, Open Burning:  
Rule 301, Nonagricultural Burning Smoke Management  
Rule 302, Agricultural Waste Burning Smoke Management  
Rule 305, Residential Allowable Burning
- 2) Adopt Resolution #18-10 (Attachment #1), thereby approving Rule 301, Nonagricultural Burning Smoke Management; Rule 302, Agricultural Waste Burning Smoke Management; and Rule 305, Residential Allowable Burning, as amended and as shown in Resolution Exhibits I, II, and III, respectively.
- 3) Adopt and approve the Findings in the Staff Report (Attachment #2).

**Background:**

Each rule is amended to add a definition for Cannabis and Marijuana by adding language to allow the District to prohibit the open burning of waste from growing or processing of cannabis. The open burning of “industrial hemp” is excluded from the cannabis definition of Rules 301 and 305, as its cultivation is considered an agricultural operation, and therefore open burning of industrial hemp would be allowed with a District burn permit, in the same manner as other vegetative waste burned on the property where grown. Rule 301 authorizes the District to prohibit cannabis burning or to require additional permit conditions. Cannabis may also be burned by a public officer for fire hazard reduction purposes with a District burn permit. Rule 302, which applies to commercial agricultural operations, prohibits the burning of cannabis, as defined, but does not prohibit the open burning of waste from the growing of industrial hemp with a District burn permit. Rule 305, applicable to residential (non-commercial) cannabis growing or processing, prohibits all cannabis burning.

In addition, Rule 305 is amended to allow the use of burn barrels to burn dry paper or cardboard in an area exempted from the State Airborne Toxics Control Measure for outdoor residential waste burning. The Iowa Hill sub-area of Placer County is the only area currently exempted from the ban on residential open burning of household paper and cardboard and the use of burn barrels.

This exemption was first requested by the District and approved by the California Air Resources Board (CARB) in 2005, was renewed in 2013, and a request for the renewal of the 5-year exemption to December 31, 2023, was submitted by staff to CARB on July 12, 2018. Although provided for in the state regulations, Rule 305, when it was adopted in 2011, did not allow burn barrel use under the exemption, and that oversight is being corrected.

Rule 301, Rule 302, and Rule 305, were last amended on February 9, 2012, and were approved by U.S. EPA as revisions to the State Implementation Plan (SIP). District staff have provided U.S. EPA, Region 9, with draft copies of the proposed amendment, and were advised that U.S. EPA had no comments. The proposed amended Rules were also provided to CARB staff on June 20, 2018, and as of this date, no comments have been received.

The District has determined that the burning of cannabis waste produces unique odors which are different from other vegetative waste, and which many people consider offensive. Staff over the years have received complaints regarding the open burning for disposal of cannabis vegetative waste. Subsequent to the adoption of a Cannabis Ordinance by Placer County in November 2016, Placer County Code Enforcement officers advised the District of additional complaints to the County arising from the burning of cannabis waste. It is anticipated that with the passage of state laws allowing the growing of cannabis for medical and recreational use, the open burning of cannabis organic waste for disposal, along with complaints of nuisance impacts, will increase. Although the comfort and repose of the neighbors may be severely affected by smoke from cannabis burning, enforcing nuisance regulations for an otherwise legal burn is problematic. Staff believe that the mission of the District is to ensure that Placer County residents have healthful air, and are not unduly impacted by odor or smoke nuisances, therefore the District proposes to prohibit the burning of cannabis wastes from residential and commercial growing and processing, and to regulate the circumstances under which cannabis waste burning is authorized.

The prohibitions proposed for cannabis waste burning are consistent with the recently re-adopted state emergency commercial cannabis cultivation licensing regulation that prohibits burning and requires either on-site composting of cannabis vegetative waste, or disposal at a permitted solid waste disposal site of organic cannabis waste that has been rendered unrecognizable and unusable. Staff found that the open burning of cannabis waste is prohibited by several air districts through the denial of burn permits, or through local cannabis ordinances. The District does not directly issue burn permits for residential burning, so restricting residential cannabis burning by denying burn permits is not an option. In addition a number of air districts, such as the Sacramento Metropolitan Air Quality Management District (AQMD), South Coast AQMD, and Bay Area AQMD do not allow residential burning. The Cities of Rocklin, Roseville, and Lincoln, in Placer County, also do not allow residential burning – these areas comprise more than two-thirds of the County's total population.

As a part of the District's early outreach effort, two concerns have been identified with regard to cannabis waste hauling to a solid waste disposal site (either a transfer station or a landfill). First, California Health & Safety Code Section 11357, provides that, except as authorized by law, possession of more than 28.5 grams of cannabis is a crime. This makes transport of cannabis waste from non-commercial cultivation to a solid waste facility, either by a collection service or by self-hauling, a potential crime. Secondly, the proposed prohibition on the burning of cannabis waste likely will increase disposal of cannabis waste through solid waste disposal

channels. Although it is likely that cannabis waste is already being received by the County's solid waste facilities and processed as green waste, particularly because open burning is banned where two-thirds of the County's population reside, cannabis remains a federally controlled substance.

While these are valid problems, they are not within the authority of the District to resolve. Staff believe that in order to prevent Placer County residents from being unduly impacted by odor or smoke nuisances from cannabis waste burning, the District should prohibit such burning.

If adopted, the Resolution states that the restrictions on cannabis burning will become effective January 1, 2019.

**Fiscal Impact:** The amendment of the Rules 301, 302, and 305 will likely not have a significant fiscal impact upon the District; however it is anticipated that cannabis burning nuisance complaints to the District and to local Code Enforcement staff may be minimized, and such events when they occur can be more easily addressed by District enforcement. Disposal of cannabis green waste through composting or through collection or self-hauling to a solid waste disposal facility could have increased costs. However, areas served by Western Regional Landfill have mandated green waste collection services, while residents served by Tahoe Truckee Sierra Disposal may dispose of green waste for free once a year.

**Public Comment:** The public hearing was noticed 30 days before the District's Board Meeting on August 9, 2018, in the Auburn Journal, a newspaper of general circulation. The proposed rule amendments were also posted on the District's webpage with a link from the Placer County webpage on the County's Cannabis Ordinance. Advisory notices were also sent by e-mail to Placer County and to Cities, Town, and Fire Agencies, including code enforcement staff, to advise of the proposed rule amendments and to seek comment. As of this writing, there has been no written public comment.

**Recommendation:**

- 1) Adopt Resolution #18-10, thereby approving the following Rules, as amended and as shown in Exhibits I, II, and III of the Resolution:  
Rule 301, Nonagricultural Burning Smoke Management,  
Rule 302, Agricultural Waste Burning Smoke Management, and  
Rule 305, Residential Allowable Burning
- 2) Adopt and approve the Findings in the Staff Report (Attachment #2).

**Attachments:** #1: Resolution #18-10, Approving Rule 301, Nonagricultural Burning Smoke Management; Rule 302, Agricultural Waste Burning Smoke Management; and Rule 305, Residential Allowable Burning, as amended and as shown in Exhibits I, II, and III, respectively.  
#2: Staff Report

**ATTACHMENT # 1**

**SUBJECT:**

**Resolution #18-10**

**Approving Rule 301, Nonagricultural Burning Smoke Management;  
Rule 302, Agricultural Waste Burning Smoke Management;  
and Rule 305, Residential Allowable Burning, as amended  
and as shown in Exhibits I, II, and III, respectively.**

**ATTACHMENT # 2**

**SUBJECT:**

**Staff Report**

# **RULE 301 NONAGRICULTURAL BURNING SMOKE MANAGEMENT**

Adopted 02-10-11  
(Amended 02-09-12, 08-09-18)

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- 501 BURN REPORTS

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## 100 GENERAL

**101 PURPOSE:** To establish criteria for the disposal of vegetation from fire hazard reduction burning, mechanized burners, fires set or permitted by public officers, and right of way clearing, levee, ditch, and reservoir maintenance, to better manage smoke in order to reduce its effects.

## 102 APPLICABILITY

102.1 Geographic: The provisions of this Rule shall apply to all burning located within Placer County except where otherwise prohibited by a local jurisdiction.

102.2 Except as provided in the rules of Regulation 3, no person shall use open outdoor fires (including the use of a burn barrel) for the purpose of disposal or to burn any combustible.

## 103 EXEMPTIONS

### 103.1 Rule Exemptions

103.1.1 Burning conducted pursuant to Rule 302, AGRICULTURAL WASTE BURNING SMOKE MANAGEMENT is exempt from this Rule.

103.1.2 Burning conducted pursuant to Rule 303, PRESCRIBED BURNING SMOKE MANAGEMENT is exempt from this Rule.

103.1.3 Burning conducted pursuant to Rule 304, LAND DEVELOPMENT BURNING SMOKE MANAGEMENT is exempt from this Rule.

103.1.4 Burning conducted pursuant to Rule 305, RESIDENTIAL ALLOWABLE BURNING is exempt from this Rule.

103.1.5 Burning conducted pursuant to Rule 306, OPEN BURNING OF NON-INDUSTRIAL WOOD WASTE AT DESIGNATED DISPOSAL SITES is exempt from this Rule.

### 103.2 General Exemptions

103.2.1 Fire Hazard Reduction Burning Public Officer Waiver: If a Public Officer with jurisdiction determines that a condition exists in which a fire hazard or health hazard will have an imminent effect on life or property, he/she may waive the requirements of this Rule, providing that a written report of such burning is forwarded to the APCO stating why life and property were being threatened to the extent necessary to require such burning. The report shall provide other information as the APCO may reasonably require.

103.2.2 Recreational or Cooking Fire: A recreational or cooking fire, as defined, is exempt from the provisions of this rule provided that the fire is not used for waste disposal purposes. Only allowable combustibles and clean, unpainted, untreated lumber can be burned.

103.2.3 American Flag: The burning, in a respectful and dignified manner, of an unserviceable American flag that is no longer fit for display.

103.2.4 Open Burning Conducted By Public Officers: Burning conducted under Section 312, subsections 312.3, 312.4, 312.7 are exempt from Rule 301. Subsection 312.1, 312.2, 312.5, and 312.6 is exempt from Section 300 except for Section 303.

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103.3 Exemptions, Minimum Drying Times

103.3.1 The burning of standing green vegetation which is part of right-of-way clearing, levee, ditch, and reservoir maintenance burning is exempt from Section 306 when such vegetation may need to be burned green.

103.3.2 The APCO may grant an exemption to the drying times specified in Section 306 if the denial of such burning would threaten imminent and substantial economic loss.

**200** **DEFINITIONS** (Unless otherwise defined below, the terms used in this Rule are defined in Rule 102, DEFINITIONS.)

**201 ALLOWABLE COMBUSTIBLES:** Vegetation originating on the premises and reasonably free of dirt, soil, and visible surface moisture.

**202 BURN BARREL:** A metal container used outdoors for the purpose of disposal.

**203 CANNABIS OR MARIJUANA:** These terms shall be used interchangeably and means all parts of the plant Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, including marijuana as defined by California Health and Safety Code Section 11018, as may be amended, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. The prohibitions of Section 302 of this Rule do not apply to "industrial hemp" as defined by California Food and Agricultural Code Section 81000, as may be amended, or California Health and Safety Code Section 11018.5, as may be amended.

**2043 COMBUSTIBLE:** Any substance capable of burning or any substance that will readily burn.

**2054 CONSTRUCTION-DEMOLITION DEBRIS:** Any material associated with the construction or demolition of any building, dwelling, or other man-made structure including but not limited to; lumber, tar paper, roofing material, wiring, flooring material, insulation, and plywood.

**2065 DISALLOWED COMBUSTIBLES:** Any waste or manufactured material, including but not limited to petroleum products and petroleum wastes; construction and demolition debris; coated wire; putrescible (rotten wastes) and non-putrescible solid, semisolid and liquid materials or wastes; tires; tar; tarpaper; non-natural wood waste; processed or treated wood and wood products; metals; motor vehicle bodies and parts; rubber; synthetics; plastics, including plastic film, twine and pipe; fiberglass; styrofoam; garbage; trash; refuse; rubbish; disposable diapers; ashes; glass; industrial wastes; manufactured products; equipment; instruments; utensils; appliances; furniture; cloth; rags; paper or paper products; cardboard; boxes; crates; excelsior; offal; swill; carcass of a dead animal; manure; human or animal parts or wastes, including blood; and fecal- and food-contaminated material.

**2076 FIRE HAZARD REDUCTION BURNING:** The burning of flammable vegetation that has been removed and cleared away from buildings or structures in compliance with local ordinances to reduce fire hazard pursuant to California Public Resources Code Section 4291.

**2087 FIRE PROTECTION AGENCY:** Any agency with the responsibility and authority to protect people, property, and the environment from fire, and having jurisdiction within the District.

- 2098 FLAMMABLE:** Capable of catching fire easily, or combustible.
- 2109 INCINERATOR:** Any device constructed of non-flammable materials, including containers commonly known as burn barrels, for the purpose of burning therein, trash, debris, and other flammable materials for volume reduction or destruction.
- 2110 NO-BURN DAY:** Any day on which agricultural burning, including prescribed burning, is prohibited by the ARB or the APCO.
- 2124 OPEN BURNING OR OPEN OUTDOOR FIRE:** Burning of any combustibles of any type, outdoors in the open air, where the products of combustion are not directed through a flue.
- 2132 PERMISSIVE BURN DAY OR BURN DAY:** Any day in which agricultural burning including prescribed burning, is not prohibited by the ARB and/or the APCO.
- 2143 PROCESSED OR TREATED WOOD AND WOOD PRODUCTS:** Wood that has been chemically treated to retard rot or decay, or wood that has been modified with glues, laminates, stains, finishes, paints or glosses for use in furniture or for construction purposes, including but not limited to; plywood, particle board, fencing, or railroad ties.
- 2154 RECREATIONAL OR COOKING FIRE**
- 2154.1 A fire that is used for recreational purposes including campfires and bon fires as well as fires in fire pits and fire bowls and similar free-standing devices.
- 2154.2 An open outdoor fire used for the cooking of food for human consumption.
- 2165 RIGHT-OF-WAY CLEARING, LEVEE, DITCH, AND RESERVOIR MAINTENANCE BURNING:** The use of fire for the disposal of vegetation, which may include standing green vegetation (e.g. grasses, weeds, brush and small trees), for right-of-way clearing by a public entity or utility or for levee, ditch, or reservoir maintenance.

### 300 STANDARDS

- 301 PROHIBITIONS ON OPEN BURNING:** Except as provided in Regulation 3, no person shall use an open outdoor fire (including the use of a burn barrel) for the purpose of disposal or burning of any disallowed combustibles.
- 302 ALLOWABLE COMBUSTIBLES:** The only allowable combustibles that can be burned is vegetation originating on the premises which is reasonably free of dirt, soil, and visible surface moisture. The burning of ~~cannabis (Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis) for disposal purposes is prohibited, The burning of~~ poison oak (*toxicodendron diversilobum*) or oleander (*nerium oleander*) for disposal purposes may be prohibited or may be subject to additional permit conditions under Section 303.
- 303 BURN PERMITS**
- 303.1 A person shall not ignite or allow open outdoor burning without first obtaining a valid burn permit from the District for the following:
- 303.1.1 Fire Hazard Reduction
- 303.1.2 Mechanized Burner
- 303.1.3 Open Burning Conducted by Public Officers
- 303.1.4 Right of Way Clearing, Levee, Ditch and Reservoir Maintenance
- 303.2 A separate burn permit may also be required by the fire protection agency that has jurisdiction in the area of the proposed burn project.

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- 303.3 The APCO may prohibit or may add additional specific burn permit conditions for the burning of poison oak (*toxicodendron diversilobum*) or oleander (*nerium oleander*) for disposal purposes.
- 304 BURN PERMIT VALIDITY:** No burn permit shall be construed to authorize open outdoor fires for any day during which:
- 304.1 It is a no-burn day.
- 304.2 Open burning is prohibited by a fire protection agency for fire control or prevention.
- 305 BURN DAYS:** No person shall knowingly ignite or allow ignition of allowable combustibles on no burn days or when burning is prohibited by a fire protection agency.
- 306 VEGETATION PREPARATION AND DRYING TIMES:** To assure rapid and complete combustion with a minimum of smoke, and to lower the moisture content of the vegetation being burned, (from when the vegetation was cut and is to be burned), the following are drying times.
- 306.1 No vegetation shall be burned unless it is reasonably free of disallowed combustibles, dirt, soil, and surface moisture and shall be burned in a manner to prevent excessive smoke. Excessive smoke is that which causes a nuisance.
- 306.2 Vegetation stacked for burning shall not be burned unless it is stacked in such a manner to promote drying and ensure combustion with a minimum amount of smoke.
- 306.3 A minimum of 15 days of drying time for fine prunings or cuttings less than 3" in diameter, at the cut end.
- 306.4 A minimum of three to six weeks of drying time for prunings or brush or small branches 3 to 6 inches in diameter, at the cut end.
- 306.5 A minimum of six weeks of drying time for trees, stumps, and large branches, greater than 6 inches in diameter, at the cut end.
- 306.6 Vegetation or stumps, greater than 12 inches in diameter, shall not be burned unless they are split smaller than 12 inches in diameter and are free of dirt.
- 307 APPROVED IGNITION DEVICES:** All open outdoor fires as authorized by this Rule shall be ignited only with approved ignition devices. The vegetation to be burned should be ignited as rapidly as practicable within applicable fire control restrictions.
- 308 WIND DIRECTION:** Burning shall be curtailed when smoke is drifting into a nearby populated area or which is or may become a nuisance or hazard.
- 309 DETERMINATION OF AMOUNT BURNED DAILY:** Only that amount of vegetation that can be reasonably expected to burn completely within 24 hours of ignition.
- 310 FIRE HAZARD REDUCTION BURNING IN COMPLIANCE WITH LOCAL ORDINANCE:** The burning of allowable combustibles in open outdoor fires for disposal purposes on the property where grown is allowed when done for the purposes of compliance with local ordinances to reduce fire hazard.
- 311 MECHANIZED BURNER:** The APCO may authorize by burn permit open outdoor fires for the purpose of disposing of agricultural wastes or wood waste from trees, vines, bushes or other wood debris free of non-wood materials, in a mechanized burner such

that no air contaminant is discharged into the atmosphere for a period or periods aggregating more than 30 minutes in any eight (8) hour period which is:

- 311.1 As dark or darker in shade as that designated No. 1 on the Ringelmann Chart, as published by the United States Bureau of Mines, or
- 311.2 Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection 311.1 of this Rule.
- 311.3 In authorizing the operation of a mechanized burner the APCO may make the burn permit subject to whatever conditions are reasonably necessary to assure conformance with the standards prescribed in this Section, provided the requirements of Sections 303 are met. Section 306, Vegetation Preparation and Drying Times, does not apply.

**312 OPEN BURNING CONDUCTED BY PUBLIC OFFICERS:** Except as provided for under subsection 103.2.4, nothing in this rule shall be construed as limiting the authority granted under other provisions of law to any public officer, such as fire, agricultural or health officer, to set or permit a fire when such a fire is, in the opinion of said officer, necessary for any of the following purposes:

- 312.1 The prevention of a fire hazard which cannot be abated by any other means.
- 312.2 The instruction of public employees and/or volunteer firemen in the methods of fighting fires.
- 312.3 To set or cause to be set backfires necessary to save life or valuable property pursuant to Section 4426 of the Public Resources Code.
- 312.4 The instruction of employees in methods of fighting fires on property used for industrial purposes.
- 312.5 Disease or pest prevention, where there is an immediate need and no reasonable alternative exists.
- 312.6 The abatement of fire hazards pursuant to H & S Code, Section 13055. Any public agency authorized to engage in fire protection activities, including but not limited to a fire protection district, city, city and county, or county fire department, the Department of Forestry, and the United States Forest Service may use fire to abate a fire hazard.
- 312.7 The remediation of an oil spill pursuant to Section 8670.7 of the Government Code.

**313 RIGHT-OF-WAY CLEARING, LEVEE, DITCH, AND RESERVOIR MAINTENANCE BURNING:** The following conditions apply:

- 313.1 Disallowed combustibles must be removed prior to burning.
- 313.2 Vegetation has been prepared by stacking, drying or other methods that promote combustion as specified by the District.

**400 ADMINISTRATIVE REQUIREMENTS**

**401 BURN PERMIT APPLICATION INFORMATION**

- 401.1 Type of burning;
- 401.2 Name and/or Business Name and address of the permittee;

- 401.3 Location of the proposed burn;
- 401.4 Distance from the proposed burn to the nearest neighboring home or structure;
- 401.5 The type of vegetation to be burned;
- 401.6 Acreage or estimated tonnage or size of pile of the vegetation to be burned;
- 401.7 Reason for burning;
- 401.8 Applicant's signature with date signed. The applicant signing the burn permit shall read and attest to the accuracy of the information provided.
- 401.9 Each burn permit issued shall bear a statement of warning containing the following words or words of like or similar import: "THIS BURN PERMIT IS VALID ONLY FOR THOSE DAYS ON WHICH THE STATE AIR RESOURCES BOARD DOES NOT PROHIBIT AGRICULTURAL BURNING PURSUANT TO SECTION 41855 OF THE HEALTH AND SAFETY CODE."
- 401.10 The applicant or representative shall have the burn permit available for inspection at the burn site during the burn.

**402 REVOCATION OF A BURN PERMIT:** The APCO, or his/her designee, may revoke a burn permit if it is found that the burn permit conditions, any state or federal laws, or the provisions of this Rule have been violated. The designated agency or the APCO shall notify the burn permit holder in writing of the revocation and the reasons therefore, service of the notification of revocation may be made by personal delivery or certified mail. In the case of service by mail, service shall be deemed complete at the time of deposit of the notification in the United States Post Office, or a mail box, sub-Post Office, substation, or mail chute, or other like facility.

- 402.1 Within ten days after service of notice of revocation specified in Section 402 above, the burn permit holder may petition the Hearing Board in writing for a public hearing. The Hearing Board, after notice and a public hearing held within 30 days after filing the petition, may sustain or reverse the decision of the APCO or the designated agency.

**403 BURN PERMIT FEES:** Burn permits are valid only following receipt of fees specified in Rule 607, BURN PERMIT FEES.

## **500 MONITORING AND RECORDS**

### **501 BURN REPORTS**

- 501.1 Public Officer Fire Hazard Reduction Burning Report: A fire hazard reduction burning report as required in subsection 103.2.1 shall be submitted if the fire hazard reduction exemption is employed. The report shall contain the location, type, and amount of vegetation burned and information on the determination made that there is a fire or health hazard condition having an imminent effect on life or property, what the threat to life and property is and the reason that alleviation of the threat requires such burning. The report shall provide other information as the APCO may reasonably require.

# RULE 302 AGRICULTURAL WASTE BURNING SMOKE MANAGEMENT

Adopted 02-10-11  
(Amended 02-09-12, 08-09-18)

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### 500 MONITORING AND RECORDS

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## 100 GENERAL

- 101 PURPOSE:** To establish standards and administrative requirements under which agricultural burning, including the burning of agricultural wastes, limited to the growing of crops or raising of fowl or animals, may occur in a reasonably regulated manner that manages the generation of smoke and reduces the emission of particulates and other air contaminants from such burning.

To establish the requirements pursuant to Title 17 CCR Subchapter 2 - Smoke Management Guidelines for Agricultural and Prescribed Burning, Article 2 - District Smoke Management Program.

- 102 APPLICABILITY:** The provisions of this rule shall apply to all agricultural burning located in Placer County except where otherwise prohibited by a local jurisdiction.

### 103 EXEMPTIONS

#### 103.1 Rule Exemptions

- 103.1.1 Burning conducted pursuant to Rule 301; NONAGRICULTURAL BURNING SMOKE MANAGEMENT is exempt from this Rule.
- 103.1.2 Burning conducted pursuant to Rule 303, PRESCRIBED BURNING SMOKE MANAGEMENT is exempt from this Rule.
- 103.1.3 Burning conducted pursuant to Rule 304, LAND DEVELOPMENT BURNING SMOKE MANAGEMENT is exempt from this Rule.
- 103.1.4 Burning conducted pursuant to Rule 305, RESIDENTIAL ALLOWABLE BURNING is exempt from this Rule.
- 103.1.5 Burning conducted pursuant to Rule 306, OPEN BURNING OF NON-INDUSTRIAL WOOD WASTE AT DESIGNATED DISPOSAL SITES is exempt from this Rule.
- 103.1.6 The use of orchard or citrus heaters for the prevention of frost damage is provided for under Rule 208, ORCHARD OR CITRUS HEATERS.

#### 103.2 Exemptions from Section 304, Burn Days

- 103.2.1 Empty Sacks or Containers: The APCO may, by special burn permit, authorize the burning of empty sacks or containers which contained pesticides or other toxic substances on the premises where used, provided the sacks or containers are within the definition of agricultural wastes.
- 103.2.2 Burn Day Exemption for Threat of Imminent and Substantial Economic Loss: The APCO may, by burn permit, allow agricultural burning on days designated by the ARB or APCO as "no burn days" if the denial of the burn permit would threaten imminent and substantial economic loss. The granting of an exception does not exempt the applicant from any other District or fire control regulations. Such authorization shall be limited to the amount of acreage which can be burned in any one day and only authorizes burning which is not likely to cause or contribute to exceedances of air quality standards or result in smoke impacts to smoke sensitive areas.

### 103.3 Exemptions, Minimum Drying Times

103.3.1 The burning of standing green vegetation associated with right-of-way clearing, levee, ditch, and reservoir maintenance burning, is exempt from Section 305 when such vegetation may need to be burned green.

103.3.2 The APCO may grant an exemption to the drying times specified in Section 305 if the denial of such burning would threaten imminent and substantial economic loss.

**200** **DEFINITIONS** (Unless otherwise defined below, the terms used in this Rule are defined in Rule 102, DEFINITIONS or Rule 301, NONAGRICULTURAL BURNING SMOKE MANAGEMENT.)

**201** **AGRICULTURAL BURNING:** Open outdoor fires used in agricultural operations in the growing of crops or raising of fowl or animals; open outdoor fires used in forest management, range improvement; or the improvement of land for wildlife and game habitat or disease or pest prevention or the use of open outdoor fires used in the operation or the maintenance of a system for the delivery of water and wildland vegetation management burning.

**202** **AGRICULTURAL OPERATION:** The growing and harvesting of crops or raising of fowl or animals for the primary purpose of making a profit or providing a livelihood or the conducting of agricultural research or instruction by an educational institution. Agricultural operations do not include activities involving the processing or distribution of crops or fowl.

### **203** **AGRICULTURAL WASTES**

203.1 The unwanted or unsalable materials produced wholly from agricultural operations and materials not produced from agricultural operations but which are intimately related to the growing or harvesting of crops.

203.2 Materials not produced wholly from agricultural operations, but which are intimately related to the growing or harvesting of crops and which are used in the field. This includes materials such as fertilizer and pesticide paper sacks or paper containers, where the sacks or containers are emptied in the field. This does not include such items as shop wastes, demolition materials, garbage, oil filters, tires, plastic pesticide containers (except for paper pesticide containers), broken boxes, pallets, or other similar material, or orchard or vineyard waste removed for land use conversion to nonagricultural purposes.

**204** **CANNABIS OR MARIJUANA:** These terms shall be used interchangeably and mean all parts of the plant Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, including marijuana as defined by California Health and Safety Code Section 11018, as may be amended, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. The prohibitions of Section 301 of this Rule do not apply to "industrial hemp" as defined by California Food and Agricultural Code Section 81000, as may be amended, or California Health and Safety Code Section 11018.5, as may be amended.

**204205** **DISALLOWED COMBUSTIBLES:** Any waste or manufactured material, including but not limited to: petroleum products and petroleum wastes; construction and demolition debris; coated wire; putrescible (rotten wastes) and non-putrescible solid, semisolid and liquid materials or wastes; tires; tar; tarpaper; non-natural wood waste; processed or treated wood and wood products; metals; motor vehicle bodies and parts; rubber; synthetics; plastics, including plastic film, twine and pipe; fiberglass; styrofoam; garbage;

trash; refuse; rubbish; disposable diapers; ashes; glass; industrial wastes; manufactured products; equipment; instruments; utensils; appliances; furniture; cloth; rags; paper or paper products; cardboard; boxes; crates; excelsior; offal; swill; carcass of a dead animal; manure; human or animal parts or wastes, including blood; and fecal- and food-contaminated material.

**205206 NO BURN DAY:** Any day on which agricultural burning, including prescribed burning, is prohibited by the ARB or the APCO.

**206207 OPEN BURNING OR OPEN OUTDOOR FIRE:** Burning of any combustibles of any type, outdoors in the open air, where the products of combustion are not directed through a flue.

**207208 PERMISSIVE BURN DAY OR BURN DAY:** Any day in which agricultural burning, including prescribed burning is not prohibited by the ARB and/or the APCO.

**208209 RIGHT-OF-WAY CLEARING, LEVEE, DITCH, AND RESERVOIR MAINTENANCE BURNING:** The use of fires for the disposal of vegetation, which may include standing green vegetation (e.g. grasses, weeds, brush and small trees), for right-of-way clearing by a public entity or utility or for levee, ditch, or reservoir maintenance.

**209210 SACRAMENTO VALLEY SMOKE MANAGEMENT PROGRAM:** A regional program implemented under a plan prepared by the Sacramento Valley Basin Wide Air Pollution Control Council (BCC) and its Technical Advisory Committee (TAC). The BCC and TAC are comprised of an elected district board member and air pollution control officer, respectively, from each air district in the Basin: Butte, Colusa, Glenn, Placer, Sacramento, Shasta, Tehama, Yolo/Solano, and Feather River. The BCC reviews and amends the program in cooperation with the staff of the California Air Resources Board Meteorology and Compliance Program Review sections, the affected industry, environmental groups, and other interested parties.

**210211 SMOKE MANAGEMENT PLAN:** A document prepared for each prescribed fire by land managers or fire managers that provides the information and procedures required in Section 80160 of Title 17 of the California Code of Regulations, and as provided for in Rule 303, Prescribed Burning Smoke Management.

**211212 SMOKE MANAGEMENT PROGRAM:** A program adopted by the District Board and approved by the ARB as required under Title 17, Chapter 1, Subchapter 2; Smoke Management Guidelines for Agricultural and Prescribed Burning. The program outlines the implementation and enforcement of a smoke management program for those portions of Placer County in the Mountain Counties and Lake Tahoe Air Basins.

## 300 STANDARDS

**301 PROHIBITIONS ON OPEN BURNING:** Except as provided in Regulation 3, no person shall use open outdoor fires (including the use of a burn barrel) for the purpose of disposal or burning of any disallowed combustibles. The open burning of waste from cannabis (*Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*) grown or processed for commercial purposes is prohibited.

### 302 BURN PERMITS

302.1 A person shall not ignite or allow agricultural burning, including the burning of agricultural wastes, without first obtaining a valid burn permit from the District.

302.2 A separate burn permit may also be required by the fire protection agency that has jurisdiction in the area of the proposed burn project.

February 9, 2012(August 9, 2018)

**303 BURN PERMIT VALIDITY:** No burn permit shall be construed to authorize open outdoor fires for any day during which:

303.1 It is a no-burn day.

303.2 Open burning is prohibited by a fire protection agency for fire control or prevention.

**304 BURN DAYS**

304.1 No person shall knowingly ignite or allow ignition of agricultural waste burning on no burn days or when burning is prohibited by fire protection agency.

304.2 Burn Hours: No field crop burning shall commence before 10:00 AM or after 5:00 PM of any day unless otherwise designated. The District may further restrict burning hours if it is deemed necessary to prevent adverse impacts to downwind receptors.

**305 VEGETATION PREPARATION AND DRYING TIMES**

305.1 Rice Harvesting - Mechanical Straw Spreader: All rice harvesting shall employ a mechanical straw spreader to ensure even distribution of the straw, with the following exception.

305.1.1 Rice straw may be left in rows, provided it meets the drying time criteria prior to a burn, as described in Section 306.1.

305.1.2 After harvest, no spread rice straw shall be burned prior to a three day drying period. No rowed rice straw shall be burned prior to a ten day drying period.

305.2 Other Agricultural Waste Burning: To assure rapid and complete combustion with a minimum of smoke, and to lower the moisture content of the vegetation being burned, (from when the vegetation was cut and is to be burned), the following are drying times.

305.2.1 A minimum of three days for other agricultural waste such as field crop residue (other than rice stubble), vegetable tops, and seed screenings to assure rapid and complete combustion with a minimum of smoke.

305.2.2 A minimum of 15 days of drying time for fine prunings or cuttings, less than 3 inches in diameter, at the cut end.

305.2.3 A minimum of three to six weeks of drying time for prunings or brush or small branches 3 to 6 inches in diameter, at the cut end.

305.2.4 A minimum of six weeks of drying time for trees, stumps, and large branches greater than 6 inches in diameter, at the cut end.

305.2.5 No vegetation shall be burned unless it is reasonably free of dirt, soil, and surface moisture and shall be burned in a manner to prevent excessive smoke. Excessive smoke is that which causes a nuisance.

305.2.6 Vegetation stacked for burning shall not be burned unless it is stacked in such a manner to promote drying and ensure combustion with a minimum amount of smoke.

305.2.7 The vegetation to be burned shall be free of disallowed combustibles and other material that is not produced in an agricultural operation.

**306 STRAW MOISTURE DETERMINATION (CRACKLE TEST)**

306.1 Water Moisture: After a rain exceeding 0.15 inches, the provisions of Section 305.1.2, notwithstanding, rice straw shall not be burned unless the straw makes an audible crack when tested just prior to burning. The method of testing shall be as described in subsection 306.2.

306.2 Straw: When checking a field for moisture a composite sample of straw from under the mat in the center of the mat and from different areas of the field shall be taken to ensure a representative sample. The provisions of Section 305.1 notwithstanding, straw shall only be deemed dry enough to burn if a handful of straw selected crackles audibly when it is bent sharply.

**307 LIGHTING PRACTICES:** Field crop straw and residue shall be ignited only by strip firing into-the-wind or by backfiring except when and where an extreme fire hazard is declared by a fire protection agency or where crops are determined not to lend themselves to these techniques.

**308 APPROVED IGNITION DEVICES:** All open outdoor fires as authorized by this regulation shall be ignited only with approved ignition devices. The vegetation to be burned should be ignited as rapidly as practicable within applicable fire control restrictions.

**309 WIND DIRECTION:** Burning shall be curtailed when smoke is drifting into a nearby populated area or which is or may become a nuisance or hazard.

**310 DETERMINATION OF AMOUNT BURNED DAILY:**

310.1 Sacramento Valley Air Basin:

310.1.1 The daily acreage allotment on permissive burn days for open outdoor burning in agricultural operations in the growing of crops or the raising of fowl or animals shall be no more than that amount determined by the ARB from the daily basin wide acreage allotment equation contained in the approved Sacramento Valley Smoke Management Program.

310.1.2 A prescribed burn conducted under a Smoke Management Plan, shall be considered a part of the daily agricultural burn acreage allocation.

310.2 Mountain Counties and Lake Tahoe Air Basins: Only that amount of vegetation that can be reasonably expected to burn completely within 24 hours of ignition.

**311 RIGHT-OF-WAY CLEARING, LEVEE, DITCH, AND RESERVOIR MAINTENANCE BURNING:** The following conditions apply:

311.1 Disallowed combustibles must be removed prior to burning.

311.2 Vegetation has been prepared by stacking, drying, or other methods to promote combustion as specified by the District.

**400 ADMINISTRATIVE REQUIREMENTS**

**401 BURN PERMIT APPLICATION INFORMATION**

401.1 Type of burning;

~~February 9, 2012~~(August 9, 2018)

- 401.2 Name and/or Business Name and address of the permittee;
- 401.3 Location of the proposed burn;
- 401.4 Distance from the proposed burn to the nearest neighboring home or structure;
- 401.5 The type of vegetation or agricultural waste to be burned;
- 401.6 Acreage or estimated tonnage or size of pile of the vegetation to be burned;
- 401.7 Reason for burning;
- 401.8 Applicant's signature with date signed. The applicant signing the burn permit shall read and attest to the accuracy of the information provided.
- 401.9 Each burn permit issued shall bear a statement of warning containing the following words or words of like or similar import: "THIS BURN PERMIT IS VALID ONLY FOR THOSE DAYS ON WHICH THE STATE AIR RESOURCES BOARD DOES NOT PROHIBIT AGRICULTURAL BURNING PURSUANT TO SECTION 41855 OF THE HEALTH AND SAFETY CODE."
- 401.10 The applicant or representative shall have the burn permit available for inspection at the burn site during the burn.

**402 REVOCATION OF A BURN PERMIT:** The APCO, or his/her designee, may revoke a burn permit if it is found that the burn permit conditions, any state or federal laws, or the provisions of this Rule have been violated. The designated agency or the APCO shall notify the burn permit holder in writing of the revocation and the reasons for the revocation. Service of the notification of revocation may be by personal delivery or certified mail. In the case of service by mail, service shall be deemed complete at the time of deposit of the notification in the United States Post Office, or a mail box, sub-Post Office, substation, or mail chute, or other like facility.

- 402.1 Within ten days after service of the notice of revocation specified in Section 402, the burn permit holder may petition the Hearing Board in writing for a public hearing. The Hearing Board, after notice and a public hearing held within 30 days after filing the petition, may sustain or reverse the decision of the APCO or the designated agency.

#### **403 SMOKE MANAGEMENT PROGRAM**

- 403.1 Sacramento Valley Air Basin: The Sacramento Valley Smoke Management Program applies to agricultural and other burning operations, as defined by Section 80101 of Title 17 of the CCR, which are conducted at all elevations in the Sacramento Valley Air Basin. Policies and procedures specified by the Sacramento Valley Smoke Management Program apply throughout the year unless otherwise specified in the program.

- 403.2 Mountain Counties and Lake Tahoe Air Basins: The Placer County Smoke Management Program applies to agricultural and other burning operations, as defined by Section 80101 of Title 17 of the CCR, which are in the Mountain Counties and Lake Tahoe Air Basins. Policies and procedures specified by this program apply throughout the year unless otherwise specified in the program.

**404 APCO APPROVAL:** No person shall commence an agricultural burn without receiving permission from the APCO, or his/her designee. For those air basins using a daily allocation system, the APCO shall distribute the daily allocated acreage for the purposes of minimizing the density of emissions and protecting downwind urban areas.

**405 BURN PERMIT FEES:** Burn permits are valid only following receipt of fees specified in Rule 607, BURN PERMIT FEES.

**500 MONITORING AND RECORDS**

**501 BURN REPORTS**

501.1 Annual Report: A report of agricultural burning conducted shall be submitted to the ARB by the District within 45 days of the end of each calendar year. The report shall include the estimated tonnage or acreage of each agricultural waste type burned from open outdoor burning in agricultural operations and the location of where the burning was performed.

501.2 Special Burn Permits Issuance Report: A report of burn permits issued, each year, pursuant to subsection 103.2.2 shall be submitted to the ARB within 45 days of the end of the calendar year. The report shall include the number of such burn permits issued, the date of issuance, the person or persons to whom the burn permit was issued, an estimate of the amount of agricultural wastes burned, and a summary of the reasons why denial of each burn permit would have threatened imminent and substantial economic loss, including the nature and dollar amounts of such loss.



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# RULE 302 AGRICULTURAL WASTE BURNING SMOKE MANAGEMENT

Adopted 02-10-11  
(Amended 02-09-12, 08-09-18)

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### 500 MONITORING AND RECORDS

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## 100 GENERAL

- 101 PURPOSE:** To establish standards and administrative requirements under which agricultural burning, including the burning of agricultural wastes, limited to the growing of crops or raising of fowl or animals, may occur in a reasonably regulated manner that manages the generation of smoke and reduces the emission of particulates and other air contaminants from such burning.

To establish the requirements pursuant to Title 17 CCR Subchapter 2 - Smoke Management Guidelines for Agricultural and Prescribed Burning, Article 2 - District Smoke Management Program.

- 102 APPLICABILITY:** The provisions of this rule shall apply to all agricultural burning located in Placer County except where otherwise prohibited by a local jurisdiction.

### 103 EXEMPTIONS

#### 103.1 Rule Exemptions

- 103.1.1 Burning conducted pursuant to Rule 301; NONAGRICULTURAL BURNING SMOKE MANAGEMENT is exempt from this Rule.
- 103.1.2 Burning conducted pursuant to Rule 303, PRESCRIBED BURNING SMOKE MANAGEMENT is exempt from this Rule.
- 103.1.3 Burning conducted pursuant to Rule 304, LAND DEVELOPMENT BURNING SMOKE MANAGEMENT is exempt from this Rule.
- 103.1.4 Burning conducted pursuant to Rule 305, RESIDENTIAL ALLOWABLE BURNING is exempt from this Rule.
- 103.1.5 Burning conducted pursuant to Rule 306, OPEN BURNING OF NON-INDUSTRIAL WOOD WASTE AT DESIGNATED DISPOSAL SITES is exempt from this Rule.
- 103.1.6 The use of orchard or citrus heaters for the prevention of frost damage is provided for under Rule 208, ORCHARD OR CITRUS HEATERS.

#### 103.2 Exemptions from Section 304, Burn Days

- 103.2.1 Empty Sacks or Containers: The APCO may, by special burn permit, authorize the burning of empty sacks or containers which contained pesticides or other toxic substances on the premises where used, provided the sacks or containers are within the definition of agricultural wastes.
- 103.2.2 Burn Day Exemption for Threat of Imminent and Substantial Economic Loss: The APCO may, by burn permit, allow agricultural burning on days designated by the ARB or APCO as "no burn days" if the denial of the burn permit would threaten imminent and substantial economic loss. The granting of an exception does not exempt the applicant from any other District or fire control regulations. Such authorization shall be limited to the amount of acreage which can be burned in any one day and only authorizes burning which is not likely to cause or contribute to exceedances of air quality standards or result in smoke impacts to smoke sensitive areas.

### 103.3 Exemptions, Minimum Drying Times

103.3.1 The burning of standing green vegetation associated with right-of-way clearing, levee, ditch, and reservoir maintenance burning, is exempt from Section 305 when such vegetation may need to be burned green.

103.3.2 The APCO may grant an exemption to the drying times specified in Section 305 if the denial of such burning would threaten imminent and substantial economic loss.

**200** **DEFINITIONS** (Unless otherwise defined below, the terms used in this Rule are defined in Rule 102, DEFINITIONS or Rule 301, NONAGRICULTURAL BURNING SMOKE MANAGEMENT.)

**201** **AGRICULTURAL BURNING:** Open outdoor fires used in agricultural operations in the growing of crops or raising of fowl or animals; open outdoor fires used in forest management, range improvement; or the improvement of land for wildlife and game habitat or disease or pest prevention or the use of open outdoor fires used in the operation or the maintenance of a system for the delivery of water and wildland vegetation management burning.

**202** **AGRICULTURAL OPERATION:** The growing and harvesting of crops or raising of fowl or animals for the primary purpose of making a profit or providing a livelihood or the conducting of agricultural research or instruction by an educational institution. Agricultural operations do not include activities involving the processing or distribution of crops or fowl.

### **203** **AGRICULTURAL WASTES**

203.1 The unwanted or unsalable materials produced wholly from agricultural operations and materials not produced from agricultural operations but which are intimately related to the growing or harvesting of crops.

203.2 Materials not produced wholly from agricultural operations, but which are intimately related to the growing or harvesting of crops and which are used in the field. This includes materials such as fertilizer and pesticide paper sacks or paper containers, where the sacks or containers are emptied in the field. This does not include such items as shop wastes, demolition materials, garbage, oil filters, tires, plastic pesticide containers (except for paper pesticide containers), broken boxes, pallets, or other similar material, or orchard or vineyard waste removed for land use conversion to nonagricultural purposes.

**204** **CANNABIS OR MARIJUANA:** These terms shall be used interchangeably and mean all parts of the plant Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, including marijuana as defined by California Health and Safety Code Section 11018, as may be amended, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. The prohibitions of Section 301 of this Rule do not apply to "industrial hemp" as defined by California Food and Agricultural Code Section 81000, as may be amended, or California Health and Safety Code Section 11018.5, as may be amended.

**204205** **DISALLOWED COMBUSTIBLES:** Any waste or manufactured material, including but not limited to: petroleum products and petroleum wastes; construction and demolition debris; coated wire; putrescible (rotten wastes) and non-putrescible solid, semisolid and liquid materials or wastes; tires; tar; tarpaper; non-natural wood waste; processed or treated wood and wood products; metals; motor vehicle bodies and parts; rubber; synthetics; plastics, including plastic film, twine and pipe; fiberglass; styrofoam; garbage;

trash; refuse; rubbish; disposable diapers; ashes; glass; industrial wastes; manufactured products; equipment; instruments; utensils; appliances; furniture; cloth; rags; paper or paper products; cardboard; boxes; crates; excelsior; offal; swill; carcass of a dead animal; manure; human or animal parts or wastes, including blood; and fecal- and food-contaminated material.

**205206 NO BURN DAY:** Any day on which agricultural burning, including prescribed burning, is prohibited by the ARB or the APCO.

**206207 OPEN BURNING OR OPEN OUTDOOR FIRE:** Burning of any combustibles of any type, outdoors in the open air, where the products of combustion are not directed through a flue.

**207208 PERMISSIVE BURN DAY OR BURN DAY:** Any day in which agricultural burning, including prescribed burning is not prohibited by the ARB and/or the APCO.

**208209 RIGHT-OF-WAY CLEARING, LEVEE, DITCH, AND RESERVOIR MAINTENANCE BURNING:** The use of fires for the disposal of vegetation, which may include standing green vegetation (e.g. grasses, weeds, brush and small trees), for right-of-way clearing by a public entity or utility or for levee, ditch, or reservoir maintenance.

**209210 SACRAMENTO VALLEY SMOKE MANAGEMENT PROGRAM:** A regional program implemented under a plan prepared by the Sacramento Valley Basin Wide Air Pollution Control Council (BCC) and its Technical Advisory Committee (TAC). The BCC and TAC are comprised of an elected district board member and air pollution control officer, respectively, from each air district in the Basin: Butte, Colusa, Glenn, Placer, Sacramento, Shasta, Tehama, Yolo/Solano, and Feather River. The BCC reviews and amends the program in cooperation with the staff of the California Air Resources Board Meteorology and Compliance Program Review sections, the affected industry, environmental groups, and other interested parties.

**210211 SMOKE MANAGEMENT PLAN:** A document prepared for each prescribed fire by land managers or fire managers that provides the information and procedures required in Section 80160 of Title 17 of the California Code of Regulations, and as provided for in Rule 303, Prescribed Burning Smoke Management.

**211212 SMOKE MANAGEMENT PROGRAM:** A program adopted by the District Board and approved by the ARB as required under Title 17, Chapter 1, Subchapter 2; Smoke Management Guidelines for Agricultural and Prescribed Burning. The program outlines the implementation and enforcement of a smoke management program for those portions of Placer County in the Mountain Counties and Lake Tahoe Air Basins.

## 300 STANDARDS

**301 PROHIBITIONS ON OPEN BURNING:** Except as provided in Regulation 3, no person shall use open outdoor fires (including the use of a burn barrel) for the purpose of disposal or burning of any disallowed combustibles. The open burning of waste from cannabis (*Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*) grown or processed for commercial purposes is prohibited.

### 302 BURN PERMITS

302.1 A person shall not ignite or allow agricultural burning, including the burning of agricultural wastes, without first obtaining a valid burn permit from the District.

302.2 A separate burn permit may also be required by the fire protection agency that has jurisdiction in the area of the proposed burn project.

February 9, 2012(August 9, 2018)

**303 BURN PERMIT VALIDITY:** No burn permit shall be construed to authorize open outdoor fires for any day during which:

303.1 It is a no-burn day.

303.2 Open burning is prohibited by a fire protection agency for fire control or prevention.

**304 BURN DAYS**

304.1 No person shall knowingly ignite or allow ignition of agricultural waste burning on no burn days or when burning is prohibited by fire protection agency.

304.2 Burn Hours: No field crop burning shall commence before 10:00 AM or after 5:00 PM of any day unless otherwise designated. The District may further restrict burning hours if it is deemed necessary to prevent adverse impacts to downwind receptors.

**305 VEGETATION PREPARATION AND DRYING TIMES**

305.1 Rice Harvesting - Mechanical Straw Spreader: All rice harvesting shall employ a mechanical straw spreader to ensure even distribution of the straw, with the following exception.

305.1.1 Rice straw may be left in rows, provided it meets the drying time criteria prior to a burn, as described in Section 306.1.

305.1.2 After harvest, no spread rice straw shall be burned prior to a three day drying period. No rowed rice straw shall be burned prior to a ten day drying period.

305.2 Other Agricultural Waste Burning: To assure rapid and complete combustion with a minimum of smoke, and to lower the moisture content of the vegetation being burned, (from when the vegetation was cut and is to be burned), the following are drying times.

305.2.1 A minimum of three days for other agricultural waste such as field crop residue (other than rice stubble), vegetable tops, and seed screenings to assure rapid and complete combustion with a minimum of smoke.

305.2.2 A minimum of 15 days of drying time for fine prunings or cuttings, less than 3 inches in diameter, at the cut end.

305.2.3 A minimum of three to six weeks of drying time for prunings or brush or small branches 3 to 6 inches in diameter, at the cut end.

305.2.4 A minimum of six weeks of drying time for trees, stumps, and large branches greater than 6 inches in diameter, at the cut end.

305.2.5 No vegetation shall be burned unless it is reasonably free of dirt, soil, and surface moisture and shall be burned in a manner to prevent excessive smoke. Excessive smoke is that which causes a nuisance.

305.2.6 Vegetation stacked for burning shall not be burned unless it is stacked in such a manner to promote drying and ensure combustion with a minimum amount of smoke.

305.2.7 The vegetation to be burned shall be free of disallowed combustibles and other material that is not produced in an agricultural operation.

**306 STRAW MOISTURE DETERMINATION (CRACKLE TEST)**

306.1 Water Moisture: After a rain exceeding 0.15 inches, the provisions of Section 305.1.2, notwithstanding, rice straw shall not be burned unless the straw makes an audible crack when tested just prior to burning. The method of testing shall be as described in subsection 306.2.

306.2 Straw: When checking a field for moisture a composite sample of straw from under the mat in the center of the mat and from different areas of the field shall be taken to ensure a representative sample. The provisions of Section 305.1 notwithstanding, straw shall only be deemed dry enough to burn if a handful of straw selected crackles audibly when it is bent sharply.

**307 LIGHTING PRACTICES:** Field crop straw and residue shall be ignited only by strip firing into-the-wind or by backfiring except when and where an extreme fire hazard is declared by a fire protection agency or where crops are determined not to lend themselves to these techniques.

**308 APPROVED IGNITION DEVICES:** All open outdoor fires as authorized by this regulation shall be ignited only with approved ignition devices. The vegetation to be burned should be ignited as rapidly as practicable within applicable fire control restrictions.

**309 WIND DIRECTION:** Burning shall be curtailed when smoke is drifting into a nearby populated area or which is or may become a nuisance or hazard.

**310 DETERMINATION OF AMOUNT BURNED DAILY:**

310.1 Sacramento Valley Air Basin:

310.1.1 The daily acreage allotment on permissive burn days for open outdoor burning in agricultural operations in the growing of crops or the raising of fowl or animals shall be no more than that amount determined by the ARB from the daily basin wide acreage allotment equation contained in the approved Sacramento Valley Smoke Management Program.

310.1.2 A prescribed burn conducted under a Smoke Management Plan, shall be considered a part of the daily agricultural burn acreage allocation.

310.2 Mountain Counties and Lake Tahoe Air Basins: Only that amount of vegetation that can be reasonably expected to burn completely within 24 hours of ignition.

**311 RIGHT-OF-WAY CLEARING, LEVEE, DITCH, AND RESERVOIR MAINTENANCE BURNING:** The following conditions apply:

311.1 Disallowed combustibles must be removed prior to burning.

311.2 Vegetation has been prepared by stacking, drying, or other methods to promote combustion as specified by the District.

**400 ADMINISTRATIVE REQUIREMENTS**

**401 BURN PERMIT APPLICATION INFORMATION**

401.1 Type of burning;

~~February 9, 2012~~(August 9, 2018)



- 401.2 Name and/or Business Name and address of the permittee;
- 401.3 Location of the proposed burn;
- 401.4 Distance from the proposed burn to the nearest neighboring home or structure;
- 401.5 The type of vegetation or agricultural waste to be burned;
- 401.6 Acreage or estimated tonnage or size of pile of the vegetation to be burned;
- 401.7 Reason for burning;
- 401.8 Applicant's signature with date signed. The applicant signing the burn permit shall read and attest to the accuracy of the information provided.
- 401.9 Each burn permit issued shall bear a statement of warning containing the following words or words of like or similar import: "THIS BURN PERMIT IS VALID ONLY FOR THOSE DAYS ON WHICH THE STATE AIR RESOURCES BOARD DOES NOT PROHIBIT AGRICULTURAL BURNING PURSUANT TO SECTION 41855 OF THE HEALTH AND SAFETY CODE."
- 401.10 The applicant or representative shall have the burn permit available for inspection at the burn site during the burn.

**402 REVOCATION OF A BURN PERMIT:** The APCO, or his/her designee, may revoke a burn permit if it is found that the burn permit conditions, any state or federal laws, or the provisions of this Rule have been violated. The designated agency or the APCO shall notify the burn permit holder in writing of the revocation and the reasons for the revocation. Service of the notification of revocation may be by personal delivery or certified mail. In the case of service by mail, service shall be deemed complete at the time of deposit of the notification in the United States Post Office, or a mail box, sub-Post Office, substation, or mail chute, or other like facility.

- 402.1 Within ten days after service of the notice of revocation specified in Section 402, the burn permit holder may petition the Hearing Board in writing for a public hearing. The Hearing Board, after notice and a public hearing held within 30 days after filing the petition, may sustain or reverse the decision of the APCO or the designated agency.

#### **403 SMOKE MANAGEMENT PROGRAM**

- 403.1 Sacramento Valley Air Basin: The Sacramento Valley Smoke Management Program applies to agricultural and other burning operations, as defined by Section 80101 of Title 17 of the CCR, which are conducted at all elevations in the Sacramento Valley Air Basin. Policies and procedures specified by the Sacramento Valley Smoke Management Program apply throughout the year unless otherwise specified in the program.

- 403.2 Mountain Counties and Lake Tahoe Air Basins: The Placer County Smoke Management Program applies to agricultural and other burning operations, as defined by Section 80101 of Title 17 of the CCR, which are in the Mountain Counties and Lake Tahoe Air Basins. Policies and procedures specified by this program apply throughout the year unless otherwise specified in the program.

**404 APCO APPROVAL:** No person shall commence an agricultural burn without receiving permission from the APCO, or his/her designee. For those air basins using a daily allocation system, the APCO shall distribute the daily allocated acreage for the purposes of minimizing the density of emissions and protecting downwind urban areas.

**405 BURN PERMIT FEES:** Burn permits are valid only following receipt of fees specified in Rule 607, BURN PERMIT FEES.

**500 MONITORING AND RECORDS**

**501 BURN REPORTS**

501.1 Annual Report: A report of agricultural burning conducted shall be submitted to the ARB by the District within 45 days of the end of each calendar year. The report shall include the estimated tonnage or acreage of each agricultural waste type burned from open outdoor burning in agricultural operations and the location of where the burning was performed.

501.2 Special Burn Permits Issuance Report: A report of burn permits issued, each year, pursuant to subsection 103.2.2 shall be submitted to the ARB within 45 days of the end of the calendar year. The report shall include the number of such burn permits issued, the date of issuance, the person or persons to whom the burn permit was issued, an estimate of the amount of agricultural wastes burned, and a summary of the reasons why denial of each burn permit would have threatened imminent and substantial economic loss, including the nature and dollar amounts of such loss.

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# **RULE 301**

## **NONAGRICULTURAL BURNING SMOKE MANAGEMENT**

Adopted 02-10-11  
(Amended 02-09-12, 08-09-18)

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## 100 GENERAL

**101 PURPOSE:** To establish criteria for the disposal of vegetation from fire hazard reduction burning, mechanized burners, fires set or permitted by public officers, and right of way clearing, levee, ditch, and reservoir maintenance, to better manage smoke in order to reduce its effects.

## 102 APPLICABILITY

102.1 Geographic: The provisions of this Rule shall apply to all burning located within Placer County except where otherwise prohibited by a local jurisdiction.

102.2 Except as provided in the rules of Regulation 3, no person shall use open outdoor fires (including the use of a burn barrel) for the purpose of disposal or to burn any combustible.

## 103 EXEMPTIONS

### 103.1 Rule Exemptions

103.1.1 Burning conducted pursuant to Rule 302, AGRICULTURAL WASTE BURNING SMOKE MANAGEMENT is exempt from this Rule.

103.1.2 Burning conducted pursuant to Rule 303, PRESCRIBED BURNING SMOKE MANAGEMENT is exempt from this Rule.

103.1.3 Burning conducted pursuant to Rule 304, LAND DEVELOPMENT BURNING SMOKE MANAGEMENT is exempt from this Rule.

103.1.4 Burning conducted pursuant to Rule 305, RESIDENTIAL ALLOWABLE BURNING is exempt from this Rule.

103.1.5 Burning conducted pursuant to Rule 306, OPEN BURNING OF NON-INDUSTRIAL WOOD WASTE AT DESIGNATED DISPOSAL SITES is exempt from this Rule.

### 103.2 General Exemptions

103.2.1 Fire Hazard Reduction Burning Public Officer Waiver: If a Public Officer with jurisdiction determines that a condition exists in which a fire hazard or health hazard will have an imminent effect on life or property, he/she may waive the requirements of this Rule, providing that a written report of such burning is forwarded to the APCO stating why life and property were being threatened to the extent necessary to require such burning. The report shall provide other information as the APCO may reasonably require.

103.2.2 Recreational or Cooking Fire: A recreational or cooking fire, as defined, is exempt from the provisions of this rule provided that the fire is not used for waste disposal purposes. Only allowable combustibles and clean, unpainted, untreated lumber can be burned.

103.2.3 American Flag: The burning, in a respectful and dignified manner, of an unserviceable American flag that is no longer fit for display.

103.2.4 Open Burning Conducted By Public Officers: Burning conducted under Section 312, subsections 312.3, 312.4, 312.7 are exempt from Rule 301. Subsection 312.1, 312.2, 312.5, and 312.6 is exempt from Section 300 except for Section 303.

103.3 Exemptions, Minimum Drying Times

103.3.1 The burning of standing green vegetation which is part of right-of-way clearing, levee, ditch, and reservoir maintenance burning is exempt from Section 306 when such vegetation may need to be burned green.

103.3.2 The APCO may grant an exemption to the drying times specified in Section 306 if the denial of such burning would threaten imminent and substantial economic loss.

**200** **DEFINITIONS** (Unless otherwise defined below, the terms used in this Rule are defined in Rule 102, DEFINITIONS.)

**201 ALLOWABLE COMBUSTIBLES:** Vegetation originating on the premises and reasonably free of dirt, soil, and visible surface moisture.

**202 BURN BARREL:** A metal container used outdoors for the purpose of disposal.

**203 CANNABIS OR MARIJUANA:** These terms shall be used interchangeably and means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, including marijuana as defined by California Health and Safety Code Section 11018, as may be amended, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. The prohibitions of Section 302 of this Rule do not apply to "industrial hemp" as defined by California Food and Agricultural Code Section 81000, as may be amended, or California Health and Safety Code Section 11018.5, as may be amended.

**204 COMBUSTIBLE:** Any substance capable of burning or any substance that will readily burn.

**205 CONSTRUCTION-DEMOLITION DEBRIS:** Any material associated with the construction or demolition of any building, dwelling, or other man-made structure including but not limited to; lumber, tar paper, roofing material, wiring, flooring material, insulation, and plywood.

**206 DISALLOWED COMBUSTIBLES:** Any waste or manufactured material, including but not limited to petroleum products and petroleum wastes; construction and demolition debris; coated wire; putrescible (rotten wastes) and non-putrescible solid, semisolid and liquid materials or wastes; tires; tar; tarpaper; non-natural wood waste; processed or treated wood and wood products; metals; motor vehicle bodies and parts; rubber; synthetics; plastics, including plastic film, twine and pipe; fiberglass; styrofoam; garbage; trash; refuse; rubbish; disposable diapers; ashes; glass; industrial wastes; manufactured products; equipment; instruments; utensils; appliances; furniture; cloth; rags; paper or paper products; cardboard; boxes; crates; excelsior; offal; swill; carcass of a dead animal; manure; human or animal parts or wastes, including blood; and fecal- and food-contaminated material.

**207 FIRE HAZARD REDUCTION BURNING:** The burning of flammable vegetation that has been removed and cleared away from buildings or structures in compliance with local ordinances to reduce fire hazard pursuant to California Public Resources Code Section 4291.

**208 FIRE PROTECTION AGENCY:** Any agency with the responsibility and authority to protect people, property, and the environment from fire, and having jurisdiction within the District.

**209 FLAMMABLE:** Capable of catching fire easily, or combustible.

- 210 INCINERATOR:** Any device constructed of non-flammable materials, including containers commonly known as burn barrels, for the purpose of burning therein, trash, debris, and other flammable materials for volume reduction or destruction.
- 211 NO-BURN DAY:** Any day on which agricultural burning, including prescribed burning, is prohibited by the ARB or the APCO.
- 212 OPEN BURNING OR OPEN OUTDOOR FIRE:** Burning of any combustibles of any type, outdoors in the open air, where the products of combustion are not directed through a flue.
- 213 PERMISSIVE BURN DAY OR BURN DAY:** Any day in which agricultural burning including prescribed burning, is not prohibited by the ARB and/or the APCO.
- 214 PROCESSED OR TREATED WOOD AND WOOD PRODUCTS:** Wood that has been chemically treated to retard rot or decay, or wood that has been modified with glues, laminates, stains, finishes, paints or glosses for use in furniture or for construction purposes, including but not limited to; plywood, particle board, fencing, or railroad ties.
- 215 RECREATIONAL OR COOKING FIRE**
- 215.1 A fire that is used for recreational purposes including campfires and bon fires as well as fires in fire pits and fire bowls and similar free-standing devices.
- 215.2 An open outdoor fire used for the cooking of food for human consumption.
- 216 RIGHT-OF-WAY CLEARING, LEVEE, DITCH, AND RESERVOIR MAINTENANCE BURNING:** The use of fire for the disposal of vegetation, which may include standing green vegetation (e.g. grasses, weeds, brush and small trees), for right-of-way clearing by a public entity or utility or for levee, ditch, or reservoir maintenance.

### **300 STANDARDS**

- 301 PROHIBITIONS ON OPEN BURNING:** Except as provided in Regulation 3, no person shall use an open outdoor fire (including the use of a burn barrel) for the purpose of disposal or burning of any disallowed combustibles.
- 302 ALLOWABLE COMBUSTIBLES:** The only allowable combustibles that can be burned is vegetation originating on the premises which is reasonably free of dirt, soil, and visible surface moisture. The burning of cannabis for disposal purposes is prohibited. The burning of poison oak (*toxicodendron diversilobum*) or oleander (*nerium oleander*) for disposal purposes may be prohibited or may be subject to additional permit conditions under Section 303.
- 303 BURN PERMITS**
- 303.1 A person shall not ignite or allow open outdoor burning without first obtaining a valid burn permit from the District for the following:
- 303.1.1 Fire Hazard Reduction
- 303.1.2 Mechanized Burner
- 303.1.3 Open Burning Conducted by Public Officers
- 303.1.4 Right of Way Clearing, Levee, Ditch and Reservoir Maintenance
- 303.2 A separate burn permit may also be required by the fire protection agency that has jurisdiction in the area of the proposed burn project.



- 303.3 The APCO may prohibit or may add additional specific burn permit conditions for the burning of poison oak (*toxicodendron diversilobum*) or oleander (*nerium oleander*) for disposal purposes.
- 304 BURN PERMIT VALIDITY:** No burn permit shall be construed to authorize open outdoor fires for any day during which:
- 304.1 It is a no-burn day.
- 304.2 Open burning is prohibited by a fire protection agency for fire control or prevention.
- 305 BURN DAYS:** No person shall knowingly ignite or allow ignition of allowable combustibles on no burn days or when burning is prohibited by a fire protection agency.
- 306 VEGETATION PREPARATION AND DRYING TIMES:** To assure rapid and complete combustion with a minimum of smoke, and to lower the moisture content of the vegetation being burned, (from when the vegetation was cut and is to be burned), the following are drying times.
- 306.1 No vegetation shall be burned unless it is reasonably free of disallowed combustibles, dirt, soil, and surface moisture and shall be burned in a manner to prevent excessive smoke. Excessive smoke is that which causes a nuisance.
- 306.2 Vegetation stacked for burning shall not be burned unless it is stacked in such a manner to promote drying and ensure combustion with a minimum amount of smoke.
- 306.3 A minimum of 15 days of drying time for fine prunings or cuttings less than 3" in diameter, at the cut end.
- 306.4 A minimum of three to six weeks of drying time for prunings or brush or small branches 3 to 6 inches in diameter, at the cut end.
- 306.5 A minimum of six weeks of drying time for trees, stumps, and large branches, greater than 6 inches in diameter, at the cut end.
- 306.6 Vegetation or stumps, greater than 12 inches in diameter, shall not be burned unless they are split smaller than 12 inches in diameter and are free of dirt.
- 307 APPROVED IGNITION DEVICES:** All open outdoor fires as authorized by this Rule shall be ignited only with approved ignition devices. The vegetation to be burned should be ignited as rapidly as practicable within applicable fire control restrictions.
- 308 WIND DIRECTION:** Burning shall be curtailed when smoke is drifting into a nearby populated area or which is or may become a nuisance or hazard.
- 309 DETERMINATION OF AMOUNT BURNED DAILY:** Only that amount of vegetation that can be reasonably expected to burn completely within 24 hours of ignition.
- 310 FIRE HAZARD REDUCTION BURNING IN COMPLIANCE WITH LOCAL ORDINANCE:** The burning of allowable combustibles in open outdoor fires for disposal purposes on the property where grown is allowed when done for the purposes of compliance with local ordinances to reduce fire hazard.
- 311 MECHANIZED BURNER:** The APCO may authorize by burn permit open outdoor fires for the purpose of disposing of agricultural wastes or wood waste from trees, vines, bushes or other wood debris free of non-wood materials, in a mechanized burner such

that no air contaminant is discharged into the atmosphere for a period or periods aggregating more than 30 minutes in any eight (8) hour period which is:

- 311.1 As dark or darker in shade as that designated No. 1 on the Ringelmann Chart, as published by the United States Bureau of Mines, or
- 311.2 Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection 311.1 of this Rule.
- 311.3 In authorizing the operation of a mechanized burner the APCO may make the burn permit subject to whatever conditions are reasonably necessary to assure conformance with the standards prescribed in this Section, provided the requirements of Sections 303 are met. Section 306, Vegetation Preparation and Drying Times, does not apply.

**312 OPEN BURNING CONDUCTED BY PUBLIC OFFICERS:** Except as provided for under subsection 103.2.4, nothing in this rule shall be construed as limiting the authority granted under other provisions of law to any public officer, such as fire, agricultural or health officer, to set or permit a fire when such a fire is, in the opinion of said officer, necessary for any of the following purposes:

- 312.1 The prevention of a fire hazard which cannot be abated by any other means.
- 312.2 The instruction of public employees and/or volunteer firemen in the methods of fighting fires.
- 312.3 To set or cause to be set backfires necessary to save life or valuable property pursuant to Section 4426 of the Public Resources Code.
- 312.4 The instruction of employees in methods of fighting fires on property used for industrial purposes.
- 312.5 Disease or pest prevention, where there is an immediate need and no reasonable alternative exists.
- 312.6 The abatement of fire hazards pursuant to H & S Code, Section 13055. Any public agency authorized to engage in fire protection activities, including but not limited to a fire protection district, city, city and county, or county fire department, the Department of Forestry, and the United States Forest Service may use fire to abate a fire hazard.
- 312.7 The remediation of an oil spill pursuant to Section 8670.7 of the Government Code.

**313 RIGHT-OF-WAY CLEARING, LEVEE, DITCH, AND RESERVOIR MAINTENANCE BURNING:** The following conditions apply:

- 313.1 Disallowed combustibles must be removed prior to burning.
- 313.2 Vegetation has been prepared by stacking, drying or other methods that promote combustion as specified by the District.

**400 ADMINISTRATIVE REQUIREMENTS**

**401 BURN PERMIT APPLICATION INFORMATION**

- 401.1 Type of burning;
- 401.2 Name and/or Business Name and address of the permittee;

- 401.3 Location of the proposed burn;
- 401.4 Distance from the proposed burn to the nearest neighboring home or structure;
- 401.5 The type of vegetation to be burned;
- 401.6 Acreage or estimated tonnage or size of pile of the vegetation to be burned;
- 401.7 Reason for burning;
- 401.8 Applicant's signature with date signed. The applicant signing the burn permit shall read and attest to the accuracy of the information provided.
- 401.9 Each burn permit issued shall bear a statement of warning containing the following words or words of like or similar import: "THIS BURN PERMIT IS VALID ONLY FOR THOSE DAYS ON WHICH THE STATE AIR RESOURCES BOARD DOES NOT PROHIBIT AGRICULTURAL BURNING PURSUANT TO SECTION 41855 OF THE HEALTH AND SAFETY CODE."
- 401.10 The applicant or representative shall have the burn permit available for inspection at the burn site during the burn.

**402 REVOCATION OF A BURN PERMIT:** The APCO, or his/her designee, may revoke a burn permit if it is found that the burn permit conditions, any state or federal laws, or the provisions of this Rule have been violated. The designated agency or the APCO shall notify the burn permit holder in writing of the revocation and the reasons therefore, service of the notification of revocation may be made by personal delivery or certified mail. In the case of service by mail, service shall be deemed complete at the time of deposit of the notification in the United States Post Office, or a mail box, sub-Post Office, substation, or mail chute, or other like facility.

- 402.1 Within ten days after service of notice of revocation specified in Section 402 above, the burn permit holder may petition the Hearing Board in writing for a public hearing. The Hearing Board, after notice and a public hearing held within 30 days after filing the petition, may sustain or reverse the decision of the APCO or the designated agency.

**403 BURN PERMIT FEES:** Burn permits are valid only following receipt of fees specified in Rule 607, BURN PERMIT FEES.

## **500 MONITORING AND RECORDS**

### **501 BURN REPORTS**

- 501.1 Public Officer Fire Hazard Reduction Burning Report: A fire hazard reduction burning report as required in subsection 103.2.1 shall be submitted if the fire hazard reduction exemption is employed. The report shall contain the location, type, and amount of vegetation burned and information on the determination made that there is a fire or health hazard condition having an imminent effect on life or property, what the threat to life and property is and the reason that alleviation of the threat requires such burning. The report shall provide other information as the APCO may reasonably require.

# **RULE 302 AGRICULTURAL WASTE BURNING SMOKE MANAGEMENT**

Adopted 02-10-11  
(Amended 02-09-12, 08-09-18)

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- 501 BURN REPORTS

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## 100 GENERAL

- 101 PURPOSE:** To establish standards and administrative requirements under which agricultural burning, including the burning of agricultural wastes, limited to the growing of crops or raising of fowl or animals, may occur in a reasonably regulated manner that manages the generation of smoke and reduces the emission of particulates and other air contaminants from such burning.

To establish the requirements pursuant to Title 17 CCR Subchapter 2 - Smoke Management Guidelines for Agricultural and Prescribed Burning, Article 2 - District Smoke Management Program.

- 102 APPLICABILITY:** The provisions of this rule shall apply to all agricultural burning located in Placer County except where otherwise prohibited by a local jurisdiction.

### 103 EXEMPTIONS

#### 103.1 Rule Exemptions

- 103.1.1 Burning conducted pursuant to Rule 301; NONAGRICULTURAL BURNING SMOKE MANAGEMENT is exempt from this Rule.
- 103.1.2 Burning conducted pursuant to Rule 303, PRESCRIBED BURNING SMOKE MANAGEMENT is exempt from this Rule.
- 103.1.3 Burning conducted pursuant to Rule 304, LAND DEVELOPMENT BURNING SMOKE MANAGEMENT is exempt from this Rule.
- 103.1.4 Burning conducted pursuant to Rule 305, RESIDENTIAL ALLOWABLE BURNING is exempt from this Rule.
- 103.1.5 Burning conducted pursuant to Rule 306, OPEN BURNING OF NON-INDUSTRIAL WOOD WASTE AT DESIGNATED DISPOSAL SITES is exempt from this Rule.
- 103.1.6 The use of orchard or citrus heaters for the prevention of frost damage is provided for under Rule 208, ORCHARD OR CITRUS HEATERS.

#### 103.2 Exemptions from Section 304, Burn Days

- 103.2.1 Empty Sacks or Containers: The APCO may, by special burn permit, authorize the burning of empty sacks or containers which contained pesticides or other toxic substances on the premises where used, provided the sacks or containers are within the definition of agricultural wastes.
- 103.2.2 Burn Day Exemption for Threat of Imminent and Substantial Economic Loss: The APCO may, by burn permit, allow agricultural burning on days designated by the ARB or APCO as "no burn days", if the denial of the burn permit would threaten imminent and substantial economic loss. The granting of an exception does not exempt the applicant from any other District or fire control regulations. Such authorization shall be limited to the amount of acreage which can be burned in any one day and only authorizes burning which is not likely to cause or contribute to exceedances of air quality standards or result in smoke impacts to smoke sensitive areas.

### 103.3 Exemptions, Minimum Drying Times

103.3.1 The burning of standing green vegetation associated with right-of-way clearing, levee, ditch, and reservoir maintenance burning, is exempt from Section 305 when such vegetation may need to be burned green.

103.3.2 The APCO may grant an exemption to the drying times specified in Section 305 if the denial of such burning would threaten imminent and substantial economic loss.

**200** **DEFINITIONS** (Unless otherwise defined below, the terms used in this Rule are defined in Rule 102, DEFINITIONS or Rule 301, NONAGRICULTURAL BURNING SMOKE MANAGEMENT.)

**201** **AGRICULTURAL BURNING:** Open outdoor fires used in agricultural operations in the growing of crops or raising of fowl or animals; open outdoor fires used in forest management, range improvement; or the improvement of land for wildlife and game habitat or disease or pest prevention or the use of open outdoor fires used in the operation or the maintenance of a system for the delivery of water and wildland vegetation management burning.

**202** **AGRICULTURAL OPERATION:** The growing and harvesting of crops or raising of fowl or animals for the primary purpose of making a profit or providing a livelihood or the conducting of agricultural research or instruction by an educational institution. Agricultural operations do not include activities involving the processing or distribution of crops or fowl.

### **203** **AGRICULTURAL WASTES**

203.1 The unwanted or unsalable materials produced wholly from agricultural operations and materials not produced from agricultural operations but which are intimately related to the growing or harvesting of crops.

203.2 Materials not produced wholly from agricultural operations, but which are intimately related to the growing or harvesting of crops and which are used in the field. This includes materials such as fertilizer and pesticide paper sacks or paper containers, where the sacks or containers are emptied in the field. This does not include such items as shop wastes, demolition materials, garbage, oil filters, tires, plastic pesticide containers (except for paper pesticide containers), broken boxes, pallets, or other similar material, or orchard or vineyard waste removed for land use conversion to nonagricultural purposes.

**204** **CANNABIS OR MARIJUANA:** These terms shall be used interchangeably and mean all parts of the plant Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, including marijuana as defined by California Health and Safety Code Section 11018, as may be amended, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. The prohibitions of Section 301 of this Rule do not apply to "industrial hemp" as defined by California Food and Agricultural Code Section 81000, as may be amended, or California Health and Safety Code Section 11018.5, as may be amended.

**205** **DISALLOWED COMBUSTIBLES:** Any waste or manufactured material, including but not limited to: petroleum products and petroleum wastes; construction and demolition debris; coated wire; putrescible (rotten wastes) and non-putrescible solid, semisolid and liquid materials or wastes; tires; tar; tarpaper; non-natural wood waste; processed or treated wood and wood products; metals; motor vehicle bodies and parts; rubber; synthetics; plastics, including plastic film, twine and pipe; fiberglass; styrofoam; garbage; trash; refuse; rubbish; disposable diapers; ashes; glass; industrial wastes; manufactured products; equipment; instruments; utensils; appliances; furniture; cloth; rags; paper or

paper products; cardboard; boxes; crates; excelsior; offal; swill; carcass of a dead animal; manure; human or animal parts or wastes, including blood; and fecal- and food-contaminated material.

- 206 NO BURN DAY:** Any day on which agricultural burning, including prescribed burning, is prohibited by the ARB or the APCO.
- 207 OPEN BURNING OR OPEN OUTDOOR FIRE:** Burning of any combustibles of any type, outdoors in the open air, where the products of combustion are not directed through a flue.
- 208 PERMISSIVE BURN DAY OR BURN DAY:** Any day in which agricultural burning, including prescribed burning is not prohibited by the ARB and/or the APCO.
- 209 RIGHT-OF-WAY CLEARING, LEVEE, DITCH, AND RESERVOIR MAINTENANCE BURNING:** The use of fires for the disposal of vegetation, which may include standing green vegetation (e.g. grasses, weeds, brush and small trees), for right-of-way clearing by a public entity or utility or for levee, ditch, or reservoir maintenance.
- 210 SACRAMENTO VALLEY SMOKE MANAGEMENT PROGRAM:** A regional program implemented under a plan prepared by the Sacramento Valley Basin Wide Air Pollution Control Council (BCC) and its Technical Advisory Committee (TAC). The BCC and TAC are comprised of an elected district board member and air pollution control officer, respectively, from each air district in the Basin: Butte, Colusa, Glenn, Placer, Sacramento, Shasta, Tehama, Yolo/Solano, and Feather River. The BCC reviews and amends the program in cooperation with the staff of the California Air Resources Board Meteorology and Compliance Program Review sections, the affected industry, environmental groups, and other interested parties.
- 211 SMOKE MANAGEMENT PLAN:** A document prepared for each prescribed fire by land managers or fire managers that provides the information and procedures required in Section 80160 of Title 17 of the California Code of Regulations, and as provided for in Rule 303, Prescribed Burning Smoke Management.
- 212 SMOKE MANAGEMENT PROGRAM:** A program adopted by the District Board and approved by the ARB as required under Title 17, Chapter 1, Subchapter 2; Smoke Management Guidelines for Agricultural and Prescribed Burning. The program outlines the implementation and enforcement of a smoke management program for those portions of Placer County in the Mountain Counties and Lake Tahoe Air Basins.

### **300 STANDARDS**

- 301 PROHIBITIONS ON OPEN BURNING:** Except as provided in Regulation 3, no person shall use open outdoor fires (including the use of a burn barrel) for the purpose of disposal or burning of any disallowed combustibles. The open burning of waste from cannabis grown or processed for commercial purposes is prohibited,
- 302 BURN PERMITS**
- 302.1 A person shall not ignite or allow agricultural burning, including the burning of agricultural wastes, without first obtaining a valid burn permit from the District.
- 302.2 A separate burn permit may also be required by the fire protection agency that has jurisdiction in the area of the proposed burn project.
- 303 BURN PERMIT VALIDITY:** No burn permit shall be construed to authorize open outdoor fires for any day during which:
- 303.1 It is a no-burn day.



- 303.2 Open burning is prohibited by a fire protection agency for fire control or prevention.

#### **304 BURN DAYS**

- 304.1 No person shall knowingly ignite or allow ignition of agricultural waste burning on no burn days or when burning is prohibited by fire protection agency.
- 304.2 Burn Hours: No field crop burning shall commence before 10:00 AM or after 5:00 PM of any day unless otherwise designated. The District may further restrict burning hours if it is deemed necessary to prevent adverse impacts to downwind receptors.

#### **305 VEGETATION PREPARATION AND DRYING TIMES**

- 305.1 Rice Harvesting - Mechanical Straw Spreader: All rice harvesting shall employ a mechanical straw spreader to ensure even distribution of the straw, with the following exception.
- 305.1.1 Rice straw may be left in rows, provided it meets the drying time criteria prior to a burn, as described in Section 306.1.
- 305.1.2 After harvest, no spread rice straw shall be burned prior to a three day drying period. No rowed rice straw shall be burned prior to a ten day drying period.
- 305.2 Other Agricultural Waste Burning: To assure rapid and complete combustion with a minimum of smoke, and to lower the moisture content of the vegetation being burned, (from when the vegetation was cut and is to be burned), the following are drying times.
- 305.2.1 A minimum of three days for other agricultural waste such as field crop residue (other than rice stubble), vegetable tops, and seed screenings to assure rapid and complete combustion with a minimum of smoke.
- 305.2.2 A minimum of 15 days of drying time for fine prunings or cuttings, less than 3 inches in diameter, at the cut end.
- 305.2.3 A minimum of three to six weeks of drying time for prunings or brush or small branches 3 to 6 inches in diameter, at the cut end.
- 305.2.4 A minimum of six weeks of drying time for trees, stumps, and large branches greater than 6 inches in diameter, at the cut end.
- 305.2.5 No vegetation shall be burned unless it is reasonably free of dirt, soil, and surface moisture and shall be burned in a manner to prevent excessive smoke. Excessive smoke is that which causes a nuisance.
- 305.2.6 Vegetation stacked for burning shall not be burned unless it is stacked in such a manner to promote drying and ensure combustion with a minimum amount of smoke.
- 305.2.7 The vegetation to be burned shall be free of disallowed combustibles and other material that is not produced in an agricultural operation.

#### **306 STRAW MOISTURE DETERMINATION (CRACKLE TEST)**

306.1 Water Moisture: After a rain exceeding 0.15 inches, the provisions of Section 305.1.2, notwithstanding, rice straw shall not be burned unless the straw makes an audible crack when tested just prior to burning. The method of testing shall be as described in subsection 306.2.

306.2 Straw: When checking a field for moisture a composite sample of straw from under the mat in the center of the mat and from different areas of the field shall be taken to ensure a representative sample. The provisions of Section 305.1 notwithstanding, straw shall only be deemed dry enough to burn if a handful of straw selected crackles audibly when it is bent sharply.

**307 LIGHTING PRACTICES:** Field crop straw and residue shall be ignited only by strip firing into-the-wind or by backfiring except when and where an extreme fire hazard is declared by a fire protection agency or where crops are determined not to lend themselves to these techniques.

**308 APPROVED IGNITION DEVICES:** All open outdoor fires as authorized by this regulation shall be ignited only with approved ignition devices. The vegetation to be burned should be ignited as rapidly as practicable within applicable fire control restrictions.

**309 WIND DIRECTION:** Burning shall be curtailed when smoke is drifting into a nearby populated area or which is or may become a nuisance or hazard.

**310 DETERMINATION OF AMOUNT BURNED DAILY:**

310.1 Sacramento Valley Air Basin:

310.1.1 The daily acreage allotment on permissive burn days for open outdoor burning in agricultural operations in the growing of crops or the raising of fowl or animals shall be no more than that amount determined by the ARB from the daily basin wide acreage allotment equation contained in the approved Sacramento Valley Smoke Management Program.

310.1.2 A prescribed burn conducted under a Smoke Management Plan, shall be considered a part of the daily agricultural burn acreage allocation.

310.2 Mountain Counties and Lake Tahoe Air Basins: Only that amount of vegetation that can be reasonably expected to burn completely within 24 hours of ignition.

**311 RIGHT-OF-WAY CLEARING, LEVEE, DITCH, AND RESERVOIR MAINTENANCE BURNING:** The following conditions apply:

311.1 Disallowed combustibles must be removed prior to burning.

311.2 Vegetation has been prepared by stacking, drying, or other methods to promote combustion as specified by the District.

**400 ADMINISTRATIVE REQUIREMENTS**

**401 BURN PERMIT APPLICATION INFORMATION**

401.1 Type of burning;

401.2 Name and/or Business Name and address of the permittee;

401.3 Location of the proposed burn;

401.4 Distance from the proposed burn to the nearest neighboring home or structure;

- 401.5 The type of vegetation or agricultural waste to be burned;
- 401.6 Acreage or estimated tonnage or size of pile of the vegetation to be burned;
- 401.7 Reason for burning;
- 401.8 Applicant's signature with date signed. The applicant signing the burn permit shall read and attest to the accuracy of the information provided.
- 401.9 Each burn permit issued shall bear a statement of warning containing the following words or words of like or similar import: "THIS BURN PERMIT IS VALID ONLY FOR THOSE DAYS ON WHICH THE STATE AIR RESOURCES BOARD DOES NOT PROHIBIT AGRICULTURAL BURNING PURSUANT TO SECTION 41855 OF THE HEALTH AND SAFETY CODE."
- 401.10 The applicant or representative shall have the burn permit available for inspection at the burn site during the burn.

**402 REVOCATION OF A BURN PERMIT:** The APCO, or his/her designee, may revoke a burn permit if it is found that the burn permit conditions, any state or federal laws, or the provisions of this Rule have been violated. The designated agency or the APCO shall notify the burn permit holder in writing of the revocation and the reasons for the revocation. Service of the notification of revocation may be by personal delivery or certified mail. In the case of service by mail, service shall be deemed complete at the time of deposit of the notification in the United States Post Office, or a mail box, sub-Post Office, substation, or mail chute, or other like facility.

- 402.1 Within ten days after service of the notice of revocation specified in Section 402, the burn permit holder may petition the Hearing Board in writing for a public hearing. The Hearing Board, after notice and a public hearing held within 30 days after filing the petition, may sustain or reverse the decision of the APCO or the designated agency.

#### **403 SMOKE MANAGEMENT PROGRAM**

- 403.1 Sacramento Valley Air Basin: The Sacramento Valley Smoke Management Program applies to agricultural and other burning operations, as defined by Section 80101 of Title 17 of the CCR, which are conducted at all elevations in the Sacramento Valley Air Basin. Policies and procedures specified by the Sacramento Valley Smoke Management Program apply throughout the year unless otherwise specified in the program.

- 403.2 Mountain Counties and Lake Tahoe Air Basins: The Placer County Smoke Management Program applies to agricultural and other burning operations, as defined by Section 80101 of Title 17 of the CCR, which are in the Mountain Counties and Lake Tahoe Air Basins. Policies and procedures specified by this program apply throughout the year unless otherwise specified in the program.

**404 APCO APPROVAL:** No person shall commence an agricultural burn without receiving permission from the APCO, or his/her designee. For those air basins using a daily allocation system, the APCO shall distribute the daily allocated acreage for the purposes of minimizing the density of emissions and protecting downwind urban areas.

**405 BURN PERMIT FEES:** Burn permits are valid only following receipt of fees specified in Rule 607, BURN PERMIT FEES.

#### **500 MONITORING AND RECORDS**

## **501 BURN REPORTS**

- 501.1 Annual Report: A report of agricultural burning conducted shall be submitted to the ARB by the District within 45 days of the end of each calendar year. The report shall include the estimated tonnage or acreage of each agricultural waste type burned from open outdoor burning in agricultural operations and the location of where the burning was performed.
- 501.2 Special Burn Permits Issuance Report: A report of burn permits issued, each year, pursuant to subsection 103.2.2 shall be submitted to the ARB within 45 days of the end of the calendar year. The report shall include the number of such burn permits issued, the date of issuance, the person or persons to whom the burn permit was issued, an estimate of the amount of agricultural wastes burned, and a summary of the reasons why denial of each burn permit would have threatened imminent and substantial economic loss, including the nature and dollar amounts of such loss.

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## NOTICE OF PUBLIC HEARING

29324

**NOTICE OF PUBLIC HEARING  
PLACER COUNTY AIR POLLUTION CONTROL  
DISTRICT AMENDMENT OF  
RULE 301, NONAGRICULTURAL BURNING  
SMOKE MANAGEMENT  
RULE 302, AGRICULTURAL WASTE BURNING  
SMOKE MANAGEMENT  
RULE 305, RESIDENTIAL ALLOWABLE BURNING  
LEGAL NOTICE**

The Placer County Air Pollution Control District (District) is proposing the amendment of Rule 301, Nonagricultural Burning Smoke Management; Rule 302, Agricultural Waste Burning Smoke Management; and Rule 305, Residential Allowable Burning.

Each Rule is amended to add a definition for "Cannabis" and "Marijuana" and adds language to allow the District to prohibit or restrict by permit the open burning of waste from growing or processing of cannabis. Rule 301 authorizes the District to prohibit cannabis burning or to require additional burn permit conditions. Cannabis that is a fire hazard may be burned by a public officer with a District permit. Rule 302, which applies to commercial agricultural operations, prohibits cannabis burning, but does not prohibit the open burning, with a District burn permit, of waste from the growing of industrial hemp. Rule 305, applicable to residential (non-commercial) cannabis growing or processing, prohibits all cannabis waste burning, including the burning of industrial hemp waste.

In addition, Rule 305 is amended to allow the use of burn barrels to burn dry paper or cardboard in an area exempted from the State Airborne Toxics Control Measure for outdoor residential waste burning. The Iowa Hill sub-area of Placer County is the only area currently exempted.

A public hearing to consider the adoption of the proposed amended Rules will be held on Thursday, August 9, 2018, at the regularly scheduled meeting of the Placer County Air Pollution Control District Board, beginning at 2:30 PM, at the Auburn City Council Chambers, 1225 Lincoln Way, Auburn, California. Any interested person may attend this meeting and provide comment.

Copies of the proposed amended Rules and the staff report may be reviewed at the District Office at 110 Maple Street, Auburn, California, 95603, between the hours of 8:00 A.M. and 5:00 P.M., Monday through Friday, and copies will be provided upon request, or may be downloaded from the District webpage: <http://www.placerair.org>. Inquiries and written public comment are invited and may be directed to Bruce Springsteen at [bsprings@placer.ca.gov](mailto:bsprings@placer.ca.gov) and (530) 745-2337. Written comments should be mailed to above address or e-mailed by July 20, 2018.

**PUBLISHED IN AUBURN JOURNAL: JULY 8, 2018**

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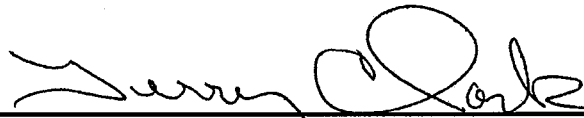
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**STATE OF CALIFORNIA  
County of Placer**

I am a citizen of the United States and employed by a publication in the County aforesaid. I am over the age of eighteen years, and not a party to the mentioned matter. I am the principal clerk of **The Auburn Journal**, a newspaper of general circulation, in the **City of Auburn**, which is printed and published in the **County of Placer**. This newspaper has been judged a newspaper of general circulation by the Superior Court of the State of California, in and for the **County of Placer**, on the date of May 26, 1952 (Case Number 17407). The notice, of which the attached is a printed copy (set in type not smaller than nonpareil) has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

**JULY 8**

I certify, under penalty of perjury, that the foregoing is true and correct.



**Terry Clark**

Dated in Auburn, California

**JULY 8, 2018**

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**JUL 16 2018**

**Placer County Air Pollution  
Control District**

**PROOF OF PUBLICATION  
THE AUBURN JOURNAL  
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**PLACER COUNTY  
AIR POLLUTION CONTROL DISTRICT**

**PROPOSED RULE AMENDMENTS TO**

**Rule 301, Nonagricultural Burning Smoke Management,  
Rule 302, Agricultural Waste Burning Smoke Management, and  
Rule 305, Residential Allowable Burning**

**STAFF REPORT**

**August 9, 2018**

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## **Executive Summary**

The purpose of the amendment of the Placer County Air Pollution District's ("District") Rule 301, Nonagricultural Burning Smoke Management; Rule 302, Agricultural Waste Burning Smoke Management; and Rule 305, Residential Allowable Burning, is to allow the District to prohibit or restrict the open burning of waste from the growing or processing of cannabis. The open burning of commercially grown industrial hemp is excluded from the prohibitions of Rule 302, Agricultural Waste Burning Smoke Management, under which such burning would be required to meet the Rule's requirements for burning, including obtaining a District burn permit. Cannabis may be burned by a public officer with a District permit. The amendment of Rule 301 will allow some burning of cannabis vegetative waste for fire hazard reduction or for right-of-way, ditch, and levee clearing subject to conditions of a District permit. The limits on cannabis waste burning are intended to minimize or eliminate nuisance smoke from the burning of cannabis waste. Lastly, Rule 305 is amended to allow the use of burn barrels to burn dry paper or cardboard for a residence in an area that has been exempted from the State Airborne Toxics Control Measure for outdoor residential waste burning.

## **Discussion**

Rule 301, Rule 302, and Rule 305, were last amended on February 9, 2012, when all six rules of Regulation 3, Open burning, were amended to address comments made by U.S. EPA and to make non-substantive changes. The six amended rules were forwarded to the California Air Resources Board and were subsequently approved by U.S. EPA as revisions to State Implementation Plan (SIP).

U.S. EPA in the Technical Support Document that accompanied the Federal Register Notice approving the six rules that were adopted by the District Board on February 9, 2012, as SIP revisions, made the following 3 recommendations:

- Rule 203, Exceptions to Rule 202, contains several references to prior open burning rules (e.g., Rules 315 and 320). For clarification of the allowed exemptions and enforceability, update these references in Rule 203 and resubmit this rule to the SIP.
- Remove the exemption for residential burning of vegetative waste from burn permit requirements and restrict residential burning activity to daytime hours (e.g., Monterey Bay Unified Air Pollution Control District Rule 438 and North Coast Unified Air Quality Management District Rules 200-208). The largest California air districts ban residential/backyard burning entirely (e.g., Bay Area Air Quality Management District Regulation 5, San Joaquin Valley Unified Air Pollution Control District Rule 4103, and South Coast Air Quality Management District Rule 444).
- We encourage the District to examine the feasibility of banning agricultural burning for specific crop types that have economically and technologically feasible alternatives to burning (e.g., San Joaquin Valley Unified Air Pollution Control District Rule 4103).

District Staff are not proposing to address the three recommendations at this time.

District Staff have proposed the following amendments, which are summarized below for each rule:

- Rule 301, Nonagricultural Burning Smoke Management, which authorizes for hazard reduction burning and burning for right-of-way, and along ditches and levees, is amended to add a definition for Cannabis or Marijuana that includes both growing and processing. Industrial hemp is excluded from this definition. The amendments allow the open burning of waste from the growing or processing of cannabis, only with a District burn permit. Cannabis waste may be burned, if it is a fire hazard, by a public officer with a District burn permit.
- Rule 302, Agricultural Waste Burning Smoke Management, is amended to add a definition for Cannabis or Marijuana that includes both growing and processing. Industrial hemp is excluded from this definition. The amendments prohibit the open burning of waste from the growing or processing of cannabis, other than commercially grown industrial hemp. Industrial hemp waste may be burned, just as other crop waste may be burned, subject to the requirements of a District permit.
- Rule 305, Residential Allowable Burning, is amended to add a definition for Cannabis or Marijuana that includes both growing and processing. Industrial hemp is included in this definition, so that District Staff do not need to discriminate between industrial hemp and cannabis that is grown for consumption. The amendments prohibit the open burning of waste from the growing or processing of cannabis. In addition, Section 103.2 of Rule 305 is amended to allow burn barrels to be used for the burning of dry paper or cardboard. This amendment is made to match the exemption provisions of the State's Airborne Toxic Control Measure to Reduce Emissions of Toxic Air Contaminants from Outdoor Residential Waste Burning. The Iowa Hill sub-area of Placer County is the only Placer County community where dry paper and cardboard is currently allowed to be under a state approved exemption. If the exemption is extended, allowing burning in burn barrels is preferred over open pile burning as it presents a reduced fire hazard.

District Staff over the years have received complaints regarding the open burning for the disposal of cannabis vegetative waste. Subsequent to the adoption of a Cannabis Ordinance by Placer County in November 2016, Placer County Code Enforcement officers advised the District of complaints arising from the burning of cannabis waste. In most of the jurisdictions in Placer County cannabis ordinances prohibit odor nuisances, which presumably include smoke nuisance from cannabis waste burning. It is anticipated that with the passage of state laws allowing the growing of cannabis for medical and recreational use that the open burning of cannabis waste for disposal will increase. No jurisdiction in Placer County currently allows commercial growing of cannabis (excluding industrial hemp). Enforcing nuisance regulations for an otherwise legal burn is problematic and burdensome for enforcement staff and may not be

deemed a public nuisance under District rules and state laws if only a few neighbors are impacted, even though the comfort and repose of neighbors may be severely affected. The District has determined that the smoke from the burning of cannabis waste produces unique odors which are different from other vegetative waste, and which many people consider offensive. Rather than being reactive to nuisance complaints that may be difficult to resolve, the District may prohibit the burning of cannabis waste in residential settings, as well as from commercially grown cannabis, and by managing other cannabis waste burning in the same manner as the open burning of poison oak and oleander green waste are currently provided for in existing rules.

On January 23, 2018, a District hosted meeting was held to bring together interested staff from several County Departments including Building (Code Enforcement), the Sheriff's Office, the Agricultural Commissioner, Health & Human Services (Environmental Health), and Facilities (Environmental Utilities). Representatives from the Western Placer Waste Management Authority (WPWMA) also attended. Although there were no objections to the concept of a County-wide ban on cannabis waste burning, the following two concerns were expressed with regard to cannabis waste haulage to a solid waste disposal site (either a transfer station or a landfill):

- 1) **Possession & Transport of Cannabis:** Possession of more than 28.5 grams of cannabis is a crime under California law (Health & Safety Code Section 11357), and possession of any amount is illegal under the federal Controlled Substances Act. These statutes remain intact although state commercial cannabis cultivation licensing regulation provides for self-hauling of cannabis waste to a manned and fully permitted solid waste facility; state law does not appear to provide a similar provision for non-commercially grown (i.e. cannabis grown for medical or recreational purposes by individuals for their own consumption). Presumably, cannabis waste will mainly consist of stems and leaves and not buds or flowers. Regardless, if the waste has flowers or buds, if it still green, it could be considered a cannabis product because the material can be used to make other products such as honey oil. Also, immature or diseased plants may also be disposed of as waste. Local law enforcement may have to make the discretionary determination that cannabis waste from residential growing is not subject to the statute if it is "rendered unrecognizable and unusable" which is a requirement for disposal of cannabis goods (16 CCR § 5054), including dried flowers and products containing cannabis.
- 2) **Disposal of Cannabis Waste as Solid Waste:** California law considers cannabis waste to be a type of organic waste if it is not combined with any hazardous or toxic material. CalRecycle considers organic waste a type of solid waste, which a solid waste facility may handle and manage in accordance with Title 14 and Title 27. Currently, although cannabis waste, under California law, may be collected as organic or solid waste, or self-hauled to a transfer station or landfill, such material remains a federally controlled substance. Placer County and the WPWMA are considering if and how acceptance of cannabis waste at these facilities could be accommodated.

Placer County residents and businesses in the City limits of Colfax and west (Placer County Solid Waste Franchise Areas 1 & 4) are provided with collection services by Recology Auburn Placer or may self-haul waste to a transfer station or a solid waste disposal facility. Waste in this service area goes to the Western Regional Sanitary Landfill (WRSL) operated by the WPWMA. Wastes are classified and green waste is composted. Residents and businesses served by the Tahoe Truckee Sierra Disposal in the region of Placer County east of Colfax and in the Tahoe area (Franchise Areas 2 & 3), are not provided with separate, weekly, residential green waste collection services, although free green waste drop-off services at annual events and at the materials recovery facility are provided. Green waste is chipped for biomass fuel and non-recyclable waste is transported to a Nevada disposal site.

The state's emergency commercial cannabis cultivation licensing regulation (not applicable to non-commercially grown cannabis) allows on-site composting of cannabis waste and disposal at permitted solid waste disposal sites. The California Bureau of Cannabis Control's regulations define "Cannabis Waste" as nonhazardous organic waste that contains cannabis and that has been made unusable and unrecognizable in the manner prescribed (16 CCR § 5000(d)). According to the regulation's Initial Statement of Reasons, cannabis could be rendered unusable by grinding and incorporating it with other ground materials (like food waste or yard waste to create a mixture of at least 50% non-cannabis waste), although specific methods are not prescribed in state regulation. This definition of "rendered unusable" was contained in the proposed Medical Cannabis Regulation that was superseded by the current Bureau of Cannabis Control's emergency regulations and is the definition used by other jurisdictions (e.g. the states of Washington, and Colorado). The composting alternative is also a possible option for some, but not all, residential growers of cannabis.

A prohibition on the burning of residential cannabis waste, where open burning is allowed, will potentially cause some increase in such waste being disposed of in green or non-green waste totes, or being self-hauled to a solid waste disposal site. The Cities of Lincoln, Rocklin, and Roseville, where two-thirds of the County's population reside, already prohibit residential open burning and outdoor cannabis growing, so cannabis waste will potentially continue to be disposed of through the methods described above, or managed onsite. Placer County has not yet developed a policy regarding the acceptance of cannabis waste at County solid waste facilities. Exhibit 1, Cannabis Ordinances & Open Burning Requirements, provides a summary table of the cannabis ordinances and open burning requirements for all jurisdictions in Placer County.

A limited survey of other air pollution control and air quality management districts, indicates that for non-commercial cannabis waste, some, such as El Dorado County AQMD prohibit the burning of cannabis waste, while others prohibit burning by not issuing burn permits (Mendocino) for such burning or rely upon local ordinances that prohibit such burning. Some air districts, especially the larger urban air districts such as South Coast AQMD and the Bay Area AQMD, do not allow any residential open burning, and others have not yet developed a position regarding the residential burning of non-commercial cannabis waste.

Rendering non-commercial cannabis waste unrecognizable and unusable before placing it in a tote or self-hauling may provide a pathway for “legal” transport of residentially grown cannabis wastes to a solid waste disposal site, particularly by self-hauling. However, the mulching or shredding of cannabis waste prior to disposal is not without issues, such as the availability of a mulching machine or shredder to residents. Also, unlike the state regulations for commercial cannabis waste, there is no requirement for rendering non-commercial cannabis waste unrecognizable and unusable. There is also no reason for the general public to know that rendering cannabis waste unrecognizable and unusable may be advisable. In addition, local law enforcement will have to make the determination whether residential cannabis waste, whether rendered unrecognizable and unusable or not, is subject to the possession statutes.

Accordingly, the management of waste from residential non-commercial cannabis growing for medical or recreational use is not addressed by state law and valid questions remain regarding what is required to possess and transport cannabis waste, and the receiving of such waste by solid waste disposal facilities. However, these issues already are not resolvable by the District. The District’s mission to ensure that Placer County residents have healthful air, and are not unduly impacted by odor or smoke nuisances, requires that the District prohibit the burning of cannabis wastes from residential and commercial growing and processing, and to regulate the circumstances under which cannabis waste burning is otherwise authorized.

**Proposed changes to Rule 301, Nonagricultural Burning Smoke Management, which provides for Right-Of-Way Clearing, Levee, Ditch, and Reservoir Maintenance Burning, with a District burn permit:**

- Addition of a definition for Cannabis or Marijuana, as follows:  
**203 CANNABIS OR MARIJUANA:** These terms shall be used interchangeably and means all parts of the plant Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, including marijuana as defined by California Health and Safety Code Section 11018, as may be amended, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. The prohibitions of Section 302 of this Rule do not apply to “industrial hemp” as defined by California Food and Agricultural Code Section 81000, as may be amended, or California Health and Safety Code Section 11018.5, as may be amended.

[Note: This definition of “cannabis” is substantially the definition of Health and Safety Code 11018 and that of the Placer County Cannabis Regulation (Placer County Code Ch. 10, art. 8.10), and the City of Roseville and other jurisdictions in the state. The definition exempts “industrial hemp” which is an agricultural product governed by Department of Food and Agriculture in accordance with the provisions of Division 24 (commencing with Section 81000) of the Food and

Agricultural Code. Pursuant to Section 302 below, cannabis waste may be burning with a District permit.]

- Amendment of Allowable Combustibles to prohibit or subject to additional permit conditions the burning of cannabis, as follows:  
**302 ALLOWABLE COMBUSTIBLES:** The only allowable combustibles that can be burned is vegetation originating on the premises which is reasonably free of dirt, soil, and visible surface moisture. The burning of cannabis, poison oak (*toxicodendron diversilobum*) or oleander (*nerium oleander*) for disposal purposes may be prohibited or may be subject to additional permit conditions under Section 303.
- Rule 301 provisions, in Section 312, that provide for open burning conducted by public officers, including the burning of cannabis to abate a fire hazard, are unchanged.

**Proposed changes to Rule 302, Agricultural Waste Burning Smoke Management, which provides for the burning associated with the raising of crops, with a District burn permit:**

- Addition of a definition for Cannabis or Marijuana, as follows:  
**204 CANNABIS OR MARIJUANA:** These terms shall be used interchangeably and mean all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, including marijuana as defined by California Health and Safety Code Section 11018, as may be amended, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. The prohibitions of Section 301 of this Rule do not apply to “industrial hemp” as defined by California Food and Agricultural Code Section 81000, as may be amended, or California Health and Safety Code Section 11018.5, as may be amended.

[Note: This definition of “cannabis” is substantially the same as the definition of Health and Safety Code 11018 and that of the Placer County Cannabis Regulation (Placer County Code Ch. 10, art. 8.10), and exempts “industrial hemp” which is an agricultural product Department of Food and Agriculture in accordance with the provisions of Division 24 (commencing with Section 81000) of the Food and Agricultural Code. It is intended that the open burning of waste from the growing of industrial hemp be treated by Rule 302 in the same manner as other crops.]

- Amendment of Prohibitions on Open Burning to prohibit the burning of cannabis, as follows:  
**301 PROHIBITIONS ON OPEN BURNING:** Except as provided in Regulation 3, no person shall use open outdoor fires (including the use of a burn barrel) for the purpose of disposal or burning of any disallowed combustibles. The

open burning of waste from cannabis grown or processed for commercial purposes is prohibited.

**Proposed changes to Rule 305, Residential Allowable Burning, which provides for the burning of vegetative material grown and burned on the premises of at residence:**

- Amendment of the definition for Allowable Combustibles to exclude cannabis, as follows:

**201 ALLOWABLE COMBUSTIBLES:** Vegetation originating on the premises of a residence, limited to the following: dry trees and trimmings, dry brush/shrubs, dry leaves, pine needles, grasses and forbs, dry plants and flowers, dry weeds, and dry vines. Lawn clippings, oleander (nerium oleander), cannabis, and poison oak (toxicodendron diversilobum) are excluded. Vegetation that is not reasonably free of dirt, soil, and visible surface moisture, is not an allowed combustible.

- Addition of a definition for Cannabis or Marijuana, as follows:

**203 CANNABIS OR MARIJUANA:** These terms shall be used interchangeably and mean all parts of the plant Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, including marijuana as defined by California Health and Safety Code Section 11018, as may be amended, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. The prohibitions of Section 302 of this Rule also apply to “industrial hemp” as defined by California Food and Agricultural Code Section 81000, as may be amended, or California Health and Safety Code Section 11018.5, as may be amended.

[Note: This definition of “cannabis” differs from that of the definition of Health and Safety Code 11018 and that of the Placer County Cannabis Regulation (Placer County Code Ch. 10, art. 8.10), in that “industrial hemp” is included in the definition and is not exempt. The inclusion of industrial hemp is to eliminate the need for enforcement personnel to identify industrial hemp that is burned as waste on the premises of a residence from other types of cannabis.]

- Amendment of Section 103.2 to allow the use of “burn barrels” in areas exempted from the state’s ban on residential waste except for vegetative materials grown on the property, and aligns the census zip code sub-area renewal with the state’s requirement that the renewal is required every five years, as follows:

103.2 Exempt Areas: Effective January 1, 2004, ~~on burn days only, the burning fires for the disposal of dry, non-glossy paper and cardboard originating from, and being burned on the premises of a residence, or the use of a burn barrels, or both,~~ may only be allowed if an exemption has been approved by the District Board of Directors that meets all the following subsections 103.2.1 through 103.2.46.

- 103.2.1 Burning is only conducted on burn days, and
- 103.2.2 The dry, non-glossy paper and cardboard to be burned originates from, and will be burned on, the premises of a residence, and
- ...
- 103.2.7 Within the boundaries of the census zip code or zip code sub-area, if the population density remains equal to or below 10.0 persons the air district may renew the exemption every ten years for a census zip code and every five years for census zip code sub-area pursuant to Section 93113(e), Title 17 of the California Code of Regulations.

[The Iowa Hill area of Placer County is the only sub-area area in Placer County that meets the state's requirements for an exemption. The exemption was first requested by the District and approved by the Air Resources Board in 2005, renewed in 2013, and a subsequent renewal of the 5-year exemption to December 31, 2023, was requested by the District in a submittal dated July 12, 2018. Although provided for in the state regulations, Rule 305 when adopted did not allow burn barrel use under the exemption, and that oversight is being corrected.]

In conclusion, the District's concerns over nuisance smoke impacts the open burning of cannabis waste and that these impacts would increase with increased legalization of cannabis growing, has led the District staff to propose prohibiting, or restricting through permit requirements the burning of cannabis waste, in the same manner that existing provisions of District Rules and Regulations prohibit the burning of poison oak and oleander. The State's emergency cannabis cultivation licensing regulation for commercial growing operations does not authorize the burning of cannabis waste. The sole options for disposal of cannabis waste from State licensed cannabis cultivation are on-site composting or the transfer of cannabis waste by a franchised waste hauler to a solid waste disposal facility, or self-hauling by licensees. Accordingly, the District's proposed amendments are in agreement with state's waste disposal requirements for commercial cannabis cultivation. Issues exist regarding state and federal statutes concerning cannabis waste and its disposal at solid waste disposal facilities. These problems already exist, regardless of the District's action to abate nuisances from cannabis waste burning.

In addition, Rule 305 is amended to allow the use of burn barrels to burn dry paper or cardboard in an area that has been exempted from the State Airborne Toxics Control Measure for outdoor residential waste burning.

## **Public Outreach**



The public hearing was noticed 30-days before the District's Board Meeting on July 8, 2018, in the Auburn Journal, a newspaper of general circulation. The proposed rule amendments were also posted on the District's webpage with a link from the Placer County webpage on the County's Cannabis Ordinance.

An e-mailed notice, advising of the District's proposed rule amendments was sent on July 2, 2018, to the Placer County Executive's Office, the Sheriff's Department, Placer County Building - Code Enforcement, Placer County Facilities – Environmental Utilities, Placer County CDRA – Environmental Health, Placer County CDRA – Building, Placer County CDRA – Planning, the Placer County Agricultural Commissioner, Western Placer Waste Management, City and Town Managers, City and Town code enforcement staff, City police and fire departments, and fire agencies and fire districts.

As of this writing, there has been no written public comment.

## **Analysis and Findings**

The following Analysis and the subsequent Findings are intended to address the requirements set forth in the California Health and Safety Code relating to the adoption of a new or amended District Rule, as well as other State statutes referenced herein.

### **Cost-Effectiveness of a Control Measure**

California Health & Safety Code (H&S) Section 40703 requires a District to consider and make public “the cost-effectiveness of a control measure”. The adoption of amendments to Regulation 3, Rules 301, 302, and 305, may increase costs to residents who would have otherwise burned cannabis waste instead of composting on site or disposing of the waste through green waste collection services or by self-hauling to a solid waste disposal facility. However, more than two-thirds of the County of Placer's population live in jurisdictions that prohibit residential “backyard” burning, and all residents are provided with some means of green waste disposal. The amendments otherwise reduce enforcement and compliance costs to the District and to code enforcement for the County and city/town jurisdictions with regard to responding to complaints of nuisance smoke from cannabis burning, and will have the beneficial effect of preventing many such nuisances from occurring. Violations of the prohibitions on cannabis burning will be a violation of the burning requirements (i.e. burning of material that is not allowed to be burned), which is less problematic for the District to enforce than nuisances.

### **Socioeconomic Impact**

Health and Safety Code Section 40728, in relevant part, requires the Board to consider the socioeconomic impact of any new rule if air quality or emission limits are significantly affected. However, Districts with a population of less than 500,000 persons are exempted from the socioeconomic analysis. In 2015, the population of Placer County was approximately 375,391 persons (US Census Bureau), which means that the District is exempt from this requirement.

## California Environmental Quality Act (CEQA)

The changes in Regulation 3, Rules 301, 302 and 305, that prohibit or restrict the open burning of cannabis waste will result in a reduction of emissions discharged to the atmosphere. The change in Rule 305 to extend the state's exemption on the burning of dry paper and cardboard to include the use of a burn barrel for burning will likely not result in an increase or decrease in material burned, and may result in improved combustion and less emissions if a burn barrel is used. The use of a burn barrel would have the significant collateral benefit of reducing the likelihood that the fire would escape. California Public Resources Code Section 21159 requires that an environmental analysis of the reasonably foreseeable methods of compliance be conducted. Compliance with the proposed changes to Regulation 3, Rules 301, 302 and 305, are expected to result in a reduction in emissions. Therefore, the proposed regulation and rule changes will not cause any significant adverse effects on the environment and may result in reducing impacts.

Staff finds that the proposed rule is exempt from the California Environmental Quality Act (CEQA) because 1) the changes proposed are administrative or will lessen emission impacts from burning and are not expected to have a significant adverse effect on the environment (CEQA Guidelines §15061(b)(3)) and 2) it is an action by a regulatory agency for protection of the environment (Class 8 Categorical Exemption, CEQA Guidelines §15308).

## Findings

- A. **Necessity** – The changes to Regulation 3, Rules 301, 302, and 305, are necessary to protect the health and welfare of Placer County residents by prohibiting or restricting cannabis waste burning that otherwise may create nuisance smoke, and providing for a means of burning dry paper and cardboard pursuant to the state exemption in a burn barrel, where allowed, which lessens emissions from such burning and reduces the potential fire hazard.
- B. **Authority** – California Health and Safety Code, Sections 40000, 40001, 40701, and 40702 are provisions of law that provide the District with the authority to amend these Rules.
- C. **Clarity** – The proposed changes are expected to be easily understood.
- D. **Consistency** – The rules are in harmony with, and not in conflict with or contradictory to, existing statutes, court decisions, or state or federal regulations. Although possessing or growing cannabis remains a federal crime, the District rules do not, of themselves, authorize possession or growing of cannabis, but instead limit how cannabis waste is disposed of if it is possessed.
- E. **Non-duplication** – The regulation does not impose the same requirements as an existing state or federal regulation.

**Reference** – All statutes, court decisions, and other provisions of law used by the District in interpreting this regulation are incorporated into this analysis and this finding by reference.

## **Exhibits**

Exhibit 1: Cannabis Ordinances & Open Burning Requirements

Exhibit 2: Rule 301 - Nonagricultural Burning Smoke Management

Exhibit 3: Rule 302 - Agricultural Waste Burning Smoke Management

Exhibit 4: Rule 305 - Residential Allowable Burning

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## **EXHIBIT 1**

### **Cannabis Ordinances & Open Burning Requirements**

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## EXHIBIT 1

### Cannabis Ordinances & Open Burning Requirements

<b>Jurisdiction</b>	<b>Residential open burning</b>	<b>Cannabis/Marijuana Ordinance Code</b>	<b>Outdoor growing</b>	<b>Residential growing</b>	<b>Commercial growing</b>	<b>Odor nuisance enforcement</b>
Auburn	Yes	Ch. 159.019	Prohibited	< 6 plants	Prohibited	Yes
Colfax	Yes	Ch. 17.162	< 6 plants, < 100 sq. ft., 10 ft. setback	< 6 plants, < 100 sq. ft.	Prohibited	Yes
Lincoln	No	Ch. 18.34	Prohibited	< 6 plants, 50 sq. ft.	Prohibited	Yes. Permit required.
Loomis	Yes	Ch. 13.46	Prohibited	Prohibited	Prohibited	Any growing is considered nuisance
Rocklin	No	Ch. 17.81	Prohibited	< 50 sq. ft.	Prohibited	Yes
Roseville	No	Ch. 19.63	Prohibited	< 6 plants (non-medical), < 50 sq. ft. (medical)	Prohibited	Yes
Placer County (Unincorporated Areas)	Yes	Ch. 8.10	< 6 plants, < 50 sq. ft., 100 ft. setback	< 6 plants, < 50 sq. ft.	Prohibited	Yes

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## **EXHIBIT 2**

### **Rule 301, Nonagricultural Burning Smoke Management With Amendments Shown**

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### **EXHIBIT 3**

**Rule 302, Agricultural Waste Burning Smoke Management  
With Amendments Shown**

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## **EXHIBIT 4**

**Rule 305, Residential Allowable Burning  
With Amendments Shown**

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## **RULE 208 ORCHARD OR CITRUS HEATERS**

Adopted 11-12-74  
(Amended 05-24-77, 10-19-93)

- A. No person shall use any orchard or citrus heater unless it has been approved by the ARB, or does not produce more than 1 gram per minute of unconsumed solid carbonaceous material.
- B. All orchard heaters shall be maintained in reasonably clean condition, good repair and working order. Whenever orchard heaters are burning they must be adequately attended and supervised to maintain the condition, adjustment and proper operation of the orchard heaters.
- C. It shall be unlawful for any person, for the purpose of frost protection to burn any rubber, rubber tires or other substance containing rubber, or to burn oil or other combustible substances in drums, pails or other containers except orchard heaters.

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# **RULE 607 BURN PERMIT FEES**

Adopted 09-07-93  
(Amended 08-13-98, 12-10-98, 08-12-99, 06-14-01, 02-10-11)

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## **100 GENERAL**

**101 PURPOSE:** The purpose of this rule is to recover costs incurred with the implementation of burn permit issuance and other activities associated with Regulation III, and the provisions of Sections 41800 et seq. and Sections 41850 et seq. of the California Health and Safety Code.

## **102 APPLICABILITY**

102.1 The provisions of this rule shall apply to any person who applies for a burn permit under the provisions of Regulation III and the provisions of Sections 41800 et seq. and Sections 41850 et seq. of the California Health and Safety Code.

- 102.1.1 Agricultural Field Crop Waste Burning
- 102.1.2 Agricultural Waste Burning Other Than Field Crop Waste
- 102.1.3 Fire Training Burning
- 102.1.4 Forest Management Burning
- 102.1.5 Hazard Reduction Burning
- 102.1.6 Land Development Burning
- 102.1.7 Mechanized Burners
- 102.1.8 Open Burning by Public Officers
- 102.1.9 Open Burning of Nonindustrial Wood Waste at Designated Disposal Sites
- 102.1.10 Permit to Burn on a No Burn Day
- 102.1.11 Range Improvement Burning
- 102.1.12 Right-of-Way, Levee, Ditch and Reservoir Burning
- 102.1.13 Wildland Vegetation Management Burning

102.2 The provisions of this rule shall apply to any person involved in a Rice Grower Transfer.

## **103 EXEMPTIONS**

103.1 Exemption, Burning for Defensible Space: This rule does not apply to the burning, as defined in Subsection 206.2, of vegetation to establish a defensible space for fire protection purposes, to comply with local ordinances, such as Placer County Code Chapter 9, Part 3.

Prescribed fires for the purpose of fuel management are not considered Residential Defensible Space Burning for the purposes of this rule.

103.2 Exemption, Fire Protection Agency: This rule does not apply to permits issued to a fire protection agency for burning as defined in Rule 303, PRESCRIBED BURNING SMOKE MANAGEMENT. This exemption is in recognition of in-kind services provided to the District pursuant to an approved memorandum of understanding.

103.3 Exemption, Fire Training Burn: This rule shall not apply to a burn permit issued for the instruction of public employees and/or volunteer personnel in the methods of fighting fires.

103.4 Exemption, Open Burning as Authorized by a Public Officer: This rule shall not apply to burning conducted by or permitted by a public officer as per Rule 301, Section 312.

103.5 Exemption, Recreational or Cooking Fires This rule shall not apply to the use of open outdoor fires for recreational purposes or for the cooking of food for human consumption.

103.6 Exemption, Residential Allowable Burning: The provisions of this rule shall not apply to persons burning residential allowable burn materials as defined in Rule 102, DEFINITIONS.

**104 PUBLIC AGENCIES NOT EXEMPT:** This rule shall apply to federal, state and local governmental agencies or public districts to the extent allowed under Chapter 2, Division 7, Title 1 of the Government Code (commencing with Section 6100) and Sections 42311 et seq. of Division 26 of the California Health and Safety Code.

## **200 DEFINITIONS**

For the purpose of this rule the following definitions shall apply. All other terms are as defined in Rule 102, DEFINITIONS or Regulation 3 - Open Burning.

### **201 AGRICULTURAL FIELD CROP WASTE**

201.1 Unwanted or unsellable materials produced wholly from the growing and harvesting of field crops for the primary purpose of making a profit, or providing a livelihood, or the conduct of agricultural research or instruction by an educational institution

201.2 Materials not produced from the growing and harvesting of field crops, but which are intimately related to the growing or harvesting of field crops, such as vegetation along roadways, fence lines, irrigation ditches, field borders, or levees.

### **202 AGRICULTURAL WASTE OTHER THAN FIELD CROP WASTE**

202.1 Unwanted or unsellable materials produced wholly from agricultural operations except field crops and materials not produced from agricultural operations, but which are intimately related to the growing or harvesting of crops.

202.2 Materials not produced from the growing and harvesting of agricultural operations, but which are intimately related to the growing or harvesting of crops, such as vegetation along roadways, fence lines, irrigation ditches, field borders, or levees.

**203 BURN PERMIT:** A permit issued by the District pursuant to Rule 301, NON-AGRICULTURAL BURNING SMOKE MANAGEMENT and Section 41852 of the California Health and Safety Code.

**204 FIRE TRAINING BURN:** Fires ignited for the instruction of employees and/or volunteer fire personnel in the methods of fighting fires.

**205 FOREST MANAGEMENT BURNING:** As defined in Rule 102, DEFINITIONS and as regulated by Rule 303, PRESCRIBED BURNING SMOKE MANAGEMENT.

### **206 HAZARD REDUCTION BURNING**

206.1 Burning to reduce a fire hazard or health hazard which will have an imminent effect on life and property as determined by a Public Officer with jurisdiction.

206.2 Burning to dispose of brush cuttings on the property where the brush was grown when the cuttings resulted from brush clearance done in compliance with local ordinances to reduce fire hazard.

**207 LAND DEVELOPMENT BURNING:** The use of open outdoor fires for the disposal of material grown on property being developed for commercial or residential purposes.

**208 MECHANIZED BURNER:** Burning in an enclosure for the purpose of enhancing fire temperatures and the speed and completeness of combustion.

**209 OPEN BURNING OF NONINDUSTRIAL WOOD WASTE AT DESIGNATED DISPOSAL SITES:** The use of open outdoor fires for the disposal of nonindustrial wood waste at designated disposal sites.

**210 PERMIT TO BURN ON A NO BURN DAY:** A permit issued by the APCO to burn on a day designated a no burn day as authorized by Section 41862 of the California Health and Safety Code, and the burn rules in Regulation 3, Open Burning.

**211 PUBLIC OFFICER:** A public officer is any fire, agricultural, health or a peace officer.

**212 RANGE IMPROVEMENT BURNING:** As defined in Rule 102, DEFINITIONS.

**213 RIGHT-OF-WAY, LEVEE, DITCH, AND RESERVOIR BURNING:** The use of fires for right-of-way clearing by a public entity or for levee, ditch, or reservoir maintenance.

**214 WILDLAND VEGETATION MANAGEMENT BURNING:** As defined in Rule 303, PRESCRIBED BURNING SMOKE MANAGEMENT.

### **300 STANDARDS**

**301 BURN PERMIT FEE:** Every applicant for a burn permit shall pay a burn permit fee and any additional fees applicable under Section 302, Burn Permit Fee Schedules.

#### **302 BURN PERMIT FEE SCHEDULES**

The following fees shall be assessed by the District:

302.1 Permits to burn agricultural field crop waste, as defined in Section 201, shall be assessed the fee specified in Table 607 - 302.1 of the District Fee Schedule.

302.2 Permits to burn agricultural waste other than field crop waste, as defined in Section 202, shall be assessed the fee specified in Table 607 - 302.2 of the District Fee Schedule.

302.3 Permits to conduct forest management burning, as defined in Section 205, shall be assessed the fee specified in Table 607 - 302.3 of the District Fee Schedule.

302.4 Permits to conduct hazard reduction burning, as defined in Subsection 206.1, shall be assessed the fee specified in Table 607 - 302.4 of the District Fee Schedule.

302.5 Permits to conduct land development burning, as defined in Section 207, shall be assessed the fee specified in Table 607 - 302.5 of the District Fee Schedule.

- 302.6 Permits to conduct burning with a mechanized burner, as defined in Section 208, shall be assessed the fee specified in Table 607 - 302.6 of the District Fee Schedule.
- 302.7 Permits to conduct open burning of nonindustrial wood waste at designated disposal sites, as defined in Section 209, shall be assessed the fee specified in Table 607 - 302.7 of the District Fee Schedule.
- 302.8 Permits to burn on a no burn day, as defined in Section 210, shall be assessed the fee specified in Table 607 - 302.8 of the District Fee Schedule. (This fee is in addition to the fee paid for a regular District Burn Permit.) This permit fee is to be paid in advance, and will not be refunded, regardless of whether or not the special permit to burn is approved or denied.
- 302.9 Permits to conduct range improvement burning, as defined in Section 212, shall be assessed the fee specified in Table 607 - 302.9 of the District Fee Schedule.
- 302.10 Permits to conduct right-of-way, levee, ditch and reservoir burning, as defined in Section 214, shall be assessed the fee specified in Table 607 - 302.10 of the District Fee Schedule.
- 302.11 Permits to conduct wildland vegetation management burning, as defined in Section 215, shall be assessed the fee specified in Table 607 - 302.11 of the District Fee Schedule.
- 303 CANCELLATION OF BURN PERMIT:** If a burn permit is canceled, the fees paid shall not be refunded nor applied to any other District permit except acreage fees paid may be reimbursed if the acreage has not been burned at the time the burn permit is canceled.
- 304 PAYMENT OF BURN PERMIT FEES:** All burn permit fees shall be paid prior to the issuance of a burn permit. Application/plan review and inspection fees will be invoiced in two-hour increments.
- 305 VALIDITY OF BURN PERMITS:** A burn permit is valid for only the amount of acreage for which fees have been paid pursuant to Section 300, Standards, of this rule.
- 306 TERM OF BURN PERMIT:** A burn permit, for which the applicable fees have been paid, shall be valid for 12 continuous months from the date of issuance, unless otherwise specified on the burn permit. Upon request, a permit for Forest Management Burning and Wildland Vegetation Burning may be granted a one-time extension for up to 12 months duration. A Forest Management and Wildland Vegetation Management burn permit extension fee, specified in Table 607 - 306 of the District Fee Schedule, will be assessed at the end of the first 12 month permit cycle.
- 307 HOURLY INSPECTION FEE:** Any District burn permit which requires an inspection shall be assessed the fee specified in Table 607 - 308 of the District Fee Schedule.

#### **400 ADMINISTRATIVE REQUIREMENTS**

- 401 COMPLIANCE UPON ADOPTION OF RULE:** Any person, subject to this rule shall comply with all the requirements upon September 7, 1993, and thereafter.
- 402 COMPLETION OF BURN PERMIT IN FULL:** All information on the burn permit application shall be completed in full.

- 403 FAILURE TO PAY BURN PERMIT FEES:** Failure to pay the burn permit fees in the time frame specified shall be subject to a late fee charge. This late charge will be 50% of the original amount billed.

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